

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: August 3, 2017

107612

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

SARA MOORE,

Appellant.

Calendar Date: June 12, 2017

Before: McCarthy, J.P., Garry, Clark, Mulvey and Aarons, JJ.

G. Scott Walling, Schenectady, for appellant, and appellant
pro se.

P. David Soares, District Attorney, Albany (Christopher D.
Horn of counsel), for respondent.

Appeal from a judgment of the County Court of Albany County
(Herrick, J.), rendered October 15, 2014, convicting defendant
upon her plea of guilty of the crime of murder in the second
degree.

Defendant was charged in a four-count indictment with
murder in the first degree, murder in the second degree (two
counts) and robbery in the first degree stemming from the death
of Richard Englander in his home in February 2014. Pursuant to a
plea agreement that satisfied all charges, defendant pleaded
guilty under count 3 of the indictment to murder in the second
degree, admitting that she had intentionally killed Englander by
hitting him in the head with a tire iron and cutting his throat
with a knife while she was employed as his caretaker. As part of
the agreement, defendant waived her right to appeal and signed a

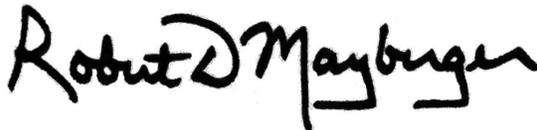
written waiver of appeal in open court. County Court thereafter imposed the agreed-upon prison term of 25 years to life. Defendant now appeals.

Appellate counsel seeks to be relieved of his assignment of representing defendant on the ground that there are no nonfrivolous issues to be raised on appeal. Based upon our review of the record, counsel's brief and defendant's pro se letter to the Court, we agree. Therefore, the judgment is affirmed and counsel's request for leave to withdraw is granted (see People v Cruwys, 113 AD2d 979, 980 [1985], lv denied 67 NY2d 650 [1986]; see generally People v Stokes, 95 NY2d 633 [2001]).

McCarthy, J.P., Garry, Clark, Mulvey and Aarons, JJ., concur.

ORDERED that the judgment is affirmed, and application to be relieved of assignment granted.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger
Clerk of the Court