

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

Decided and Entered: April 26, 2018

108669

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

RALPHY COLBERT, Also Known as
JOHNATHAN P. SGARRANO,
Appellant.

Calendar Date: March 2, 2018

Before: Garry, P.J., McCarthy, Devine, Aarons and Rumsey, JJ.

Elena DeFio Kean, Albany, for appellant.

Robert M. Carney, District Attorney, Schenectady (Tracey A. Brunecz of counsel), for respondent.

Appeal from a judgment of the County Court of Schenectady County (Sypniewski, J.), rendered June 30, 2016, convicting defendant upon his plea of guilty of the crime of attempted forgery in the second degree.

In satisfaction of a one-count indictment and other pending charges, defendant pleaded guilty to attempted forgery in the second degree and waived his right to appeal, both orally and in writing. In accordance with the plea agreement, County Court sentenced defendant, as a second felony offender, to a prison term of 1½ to 3 years. Defendant now appeals.

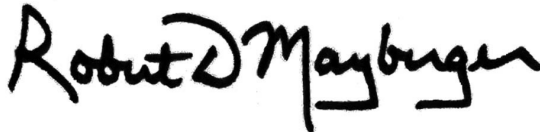
Appellate counsel seeks to be relieved of her assignment of representing defendant on the ground that there are no nonfrivolous issues to be raised on appeal. Based upon our

review of the record and counsel's brief, we agree. Accordingly, 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]).

Garry, P.J., McCarthy, Devine, Aarons and Rumsey, 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