

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

Decided and Entered: December 6, 2018

108807

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

MARKESE JONES,

Appellant.

Calendar Date: October 26, 2018

Before: Garry, P.J., McCarthy, Egan Jr., Lynch and Devine, JJ.

Martin J. McGuinness, Saratoga Springs, for appellant, and
appellant pro se.

Robert M. Carney, District Attorney, Schenectady (Peter H.
Willis of counsel), for respondent.

Appeal from a judgment of the County Court of Schenectady
County (Sypniewski, J.), rendered August 15, 2016, convicting
defendant upon his plea of guilty of the crime of attempted
assault in the first degree.

In satisfaction of an eight-count indictment, defendant
pleaded guilty to attempted assault in the first degree and
waived his right to appeal, both orally and in writing. In
accordance with the plea agreement, defendant was sentenced, as
a second violent felony offender, to eight years in prison
followed by five years of postrelease supervision. 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 submission, 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 Beaty, 22 NY3d 490, 492-493 [2014]; People v Stokes, 95 NY2d 633 [2001]).

Garry, P.J., McCarthy, Egan Jr., Lynch and Devine, 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