

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

Decided and Entered: November 15, 2018

109368

THE PEOPLE OF THE STATE OF
NEW YORK,
Respondent,

v

TERRANCE SUTTON,
Appellant.

MEMORANDUM AND ORDER

Calendar Date: September 18, 2018

Before: McCarthy, J.P., Egan Jr., Devine, Clark and Mulvey, JJ.

G. Scott Walling, Slingerlands, for appellant.

J. Anthony Jordan, District Attorney, Fort Edward (Joseph A. Frandino of counsel), for respondent.

Appeal from a judgment of the County Court of Washington County (McKeighan, J.), rendered March 24, 2017, convicting defendant upon his plea of guilty of the crime of attempted promoting prison contraband in the first degree.

In satisfaction of an indictment, defendant pleaded guilty to a reduced charge of attempted promoting prison contraband in the first degree. County Court sentenced him, as a second felony offender, to the agreed-upon term of 1½ to 3 years in prison, to run consecutively to the sentence that he was then serving. Defendant appeals.

Appellate counsel seeks to be relieved of his assignment of representing defendant on the basis that there are no

nonfrivolous issues to be raised on appeal. Based upon our review of the record and counsel's brief, we agree. Consequently, 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 [2014]; People v Stokes, 95 NY2d 633 [2001]).

McCarthy, J.P., Egan Jr., Devine, Clark and Mulvey, JJ.,
concur.

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