

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

Decided and Entered: September 24, 2020

110093

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

JEFFREY LEWIS,

Appellant.

Calendar Date: September 4, 2020

Before: Egan Jr., J.P., Mulvey, Pritzker, Reynolds Fitzgerald
and Colangelo, JJ.

Justin C. Brusgul, Voorheesville, for appellant.

David J. Clegg, District Attorney, Kingston (Joan
Gudesblatt Lamb of counsel), for respondent.

Appeal from a judgment of the County Court of Ulster
County (Williams, J.), rendered December 6, 2017, convicting
defendant upon his plea of guilty of the crime of attempted
promoting prison contraband in the first degree.

While incarcerated, defendant was found to be in
possession of a controlled substance. As a result, he waived
indictment and was charged in a superior court information with
attempted promoting prison contraband in the first degree. He
pleaded guilty to this charge and waived his right to appeal.
In accordance with the plea agreement, he was sentenced as a
second felony offender to 1½ to 3 years in prison, to run

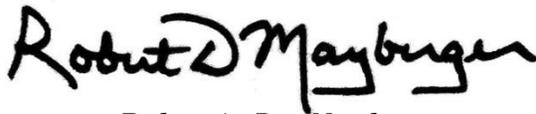
consecutively to the sentence that he was then serving.
Defendant appeals.

Appellate counsel seeks to be relieved of his assignment of representing defendant on the ground that there are no nonfrivolous issues that may be raised on appeal. Based upon our review of the record and counsel's brief, 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 [2014]; People v Stokes, 95 NY2d 633 [2001]).

Egan Jr., J.P., Mulvey, Pritzker, Reynolds Fitzgerald and Colangelo, 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