

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

Decided and Entered: March 12, 2020

110459

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

EUGENE ROYAL,

Appellant.

Calendar Date: February 7, 2020

Before: Egan Jr., J.P., Clark, Devine, Aarons and
Colangelo, JJ.

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

J. Anthony Jordan, District Attorney, Fort Edward (Taylor
Fitzsimmons of counsel), for respondent.

Appeal from a judgment of the County Court of Washington
County (McKeighan, J.), rendered May 11, 2018, convicting
defendant upon his plea of guilty of the crime of attempted
promoting prison contraband in the first degree.

In satisfaction of a two-count indictment, defendant
pleaded guilty to the 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, counsel's brief and defendant's pro se submission, 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]).

Egan Jr., J.P., Clark, Devine, Aarons and Colangelo, 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