

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

Decided and Entered: July 30, 2020

110668

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

CRYSTAL L. VOTRA,

Appellant.

Calendar Date: June 26, 2020

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

Kathy Manley, Selkirk, for appellant.

Kristy L. Sprague, District Attorney, Elizabethtown
(Kathryn M. Moryl of counsel), for respondent.

Appeal from a judgment of the County Court of Essex County
(Meyer, J.), rendered May 21, 2018, convicting defendant upon
her plea of guilty of the crime of criminal possession of
marihuana in the second degree.

Following the traffic stop of a vehicle in which in excess
of 100 pounds of marihuana was found, defendant was charged by
indictment with criminal possession of marihuana in the first
degree and a traffic infraction. In satisfaction of the
indictment, defendant pleaded guilty to the reduced charge of
criminal possession of marihuana in the second degree as
memorialized in a written plea agreement signed in court.
Pursuant to the terms of the plea agreement, defendant waived

her right to appeal and executed a written waiver of appeal in open court. County Court explained that it was making no sentencing promise and that, upon her guilty plea, it could impose a prison term of up to 2½ years, to be followed by one year of postrelease supervision, and a fine. County Court later imposed a prison sentence of two years, to be followed by one year of postrelease supervision. Defendant appeals.

Appellate counsel seeks to be relieved of her assignment of representing defendant upon the ground that there are no nonfrivolous issues that may be raised upon this 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 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 granted.

ENTER:

A handwritten signature in black ink, reading "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger
Clerk of the Court