

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

Decided and Entered: March 11, 2021

110363

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THE PEOPLE OF THE STATE OF  
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

DONNA A. LaROSE,

Appellant.

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Calendar Date: February 4, 2021

Before: Garry, P.J., Lynch, Clark, Reynolds Fitzgerald and  
Colangelo, JJ.

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

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

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Appeal from a judgment of the County Court of Washington  
County (McKeighan, J.), rendered September 22, 2017, convicting  
defendant upon her plea of guilty of the crime of criminal  
possession of a controlled substance in the first degree.

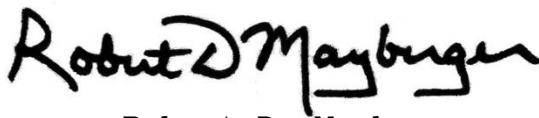
In satisfaction of a three-count indictment, defendant  
pleaded guilty to criminal possession of a controlled substance  
in the first degree and waived her right to appeal. County  
Court sentenced defendant, as agreed, to 10 years in prison to  
be followed by five years of postrelease supervision. Defendant  
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. After reviewing the record, counsel's brief and defendant's pro se submissions, we agree. Accordingly, without taking any position on an application for resentencing that is apparently forthcoming and could lead to a separate appeal (see CPL 440.47), we affirm the judgment and grant counsel's request for leave to withdraw (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]).

Garry, P.J., Lynch, Clark, 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, flowing style with a large, stylized 'R' and 'M'.

Robert D. Mayberger  
Clerk of the Court