

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

Decided and Entered: July 22, 2021

110929

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THE PEOPLE OF THE STATE OF  
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

EVANGELINE ORTIZ,

Appellant.

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Calendar Date: June 17, 2021

Before: Egan Jr., J.P., Lynch, Aarons, Reynolds Fitzgerald and  
Colangelo, JJ.

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G. Scott Walling, Slingerlands, for appellant.

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 October 26, 2018, convicting  
defendant upon her plea of guilty of the crime of attempted  
promoting prison contraband in the first degree.

Defendant was charged in an indictment with a number of  
crimes after she mailed a package containing controlled  
substances to an inmate at a correctional facility. In  
satisfaction of the indictment, she pleaded guilty to attempted  
promoting prison contraband in the first degree and waived her  
right to appeal. In accordance with the terms of the plea  
agreement, she was sentenced to 1 to 3 years in prison.  
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. 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., Lynch, Aarons, 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