

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

Decided and Entered: June 17, 2021

111012

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

DARIUS TURNER,

Appellant.

Calendar Date: May 7, 2021

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

Martin J. McGuinness, Saratoga Springs, for appellant.

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 January 25, 2019, convicting
defendant upon his plea of guilty of the crime of attempted
promoting prison contraband in the first degree.

Defendant pleaded guilty to 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 and counsel's brief, 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]).

Garry, P.J., Clark, Aarons, Reynolds Fitzgerald 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