

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

Decided and Entered: September 30, 2021

111023

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

JAMES DASHNAW,

Appellant.

Calendar Date: September 3, 2021

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

G. Scott Walling, Slingerlands, for appellant.

Robert M. Carney, District Attorney, Schenectady (Peter H.
Willis of counsel), for respondent.

Appeal from a judgment of the Supreme Court (Caruso, J.),
rendered June 8, 2018 in Schenectady County, which revoked
defendant's probation and imposed a sentence of imprisonment.

Defendant pleaded guilty to driving while intoxicated,
waived his right to appeal and was sentenced to five years of
probation. Thereafter, defendant was charged with, and
ultimately admitted to, violating the terms of his probation.
Supreme Court, in accordance with the terms of the agreement,
revoked defendant's probation and resentenced him 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. Therefore, the judgment is affirmed and counsel's application 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., Egan Jr., Lynch, 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