

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

Decided and Entered: February 8, 2024

113349

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

COLEEN R. RILEY,

Appellant.

Calendar Date: January 5, 2024

Before: Garry, P.J., Egan Jr., Aarons, Powers and Mackey, JJ.

Kathy Manley, Selkirk, for appellant.

Karen A. Heggen, District Attorney, Ballston Spa (*Jesse Ashdown* of counsel), for respondent.

Appeal from a judgment of the County Court of Saratoga County (James A. Murphy III, J.), rendered April 1, 2021, convicting defendant upon her plea of guilty of the crime of burglary in the third degree.

In satisfaction of a five-count indictment, defendant pleaded guilty to burglary in the third degree and waived her right to appeal. Consistent with the terms of the plea agreement, County Court sentenced defendant to time served and a five-year term of probation. Defendant appeals.

Appellate counsel seeks to be relieved of her assignment of representing defendant on the ground that there are no nonfrivolous issues that can 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 request for leave to withdraw is granted (*see People v Cruwys*, 113 AD2d 979, 980 [3d Dept 1985], *lv denied* 67 NY2d 650 [1986]; *see generally People v Beaty*, 22 NY3d 490, 492-493 [2014]; *People v Stokes*, 95 NY2d 633, 638-639 [2001]).

Garry, P.J., Egan Jr., Aarons, Powers and Mackey, 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