

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

Decided and Entered: January 22, 2026

CR-22-2012

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

GERALD COLOMBE,

Appellant.

Calendar Date: January 2, 2026

Before: Clark, J.P., Aarons, Reynolds Fitzgerald, Fisher and Mackey, JJ.

Lisa A. Burgess, Indian Lake, for appellant, and appellant pro se.

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

Appeal from a judgment of the County Court of Washington County (Kelly McKeighan, J.), rendered September 23, 2022, convicting defendant upon his plea of guilty of the crime of burglary in the second degree.

In satisfaction of a nine-count indictment, defendant pleaded guilty to burglary in the second degree and agreed to waive his right to appeal. In accordance with the terms of the plea agreement, County Court sentenced defendant, as a second felony offender, to a prison term of seven years, to be followed by five years of postrelease supervision. Defendant appeals.

Appellate counsel seeks to be relieved of her assignment of representing defendant upon the ground that there are no nonfrivolous issues to be raised on appeal. Based upon

our review of the record, counsel's brief and defendant's pro se submissions, we agree. Accordingly, the judgment of conviction 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 [2014]; *People v Stokes*, 95 NY2d 633 [2001]).

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