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

Decided and Entered: September 22, 2016 106747

THE PEOPLE OF THE STATE OF NEW YORK,
Respondent,
v MEMORANDUM AND ORDER

JONAH BB.,
Appellant.

Calendar Date: August 8, 2016

Before: Peters, P.J., Lynch, Devine, Clark and Aarons, JJ.

Michael P. Graven, Owego, for appellant.

Weeden A. Wetmore, District Attorney, Elmira, for respondent.

Appeal from a judgment of the County Court of Chemung County (Hayden, J.), rendered March 24, 2014, which revoked defendant's probation and imposed a sentence of incarceration.

Defendant pleaded guilty to the crime of burglary in the second degree and was adjudicated a youthful offender. He was sentenced to five years of probation. Thereafter, defendant was charged with violating the terms of his probation and a declaration of delinquency was issued. He admitted to certain violations whereupon his probation was revoked and he was sentenced to one year in jail. He now 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 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 Stokes, 95 NY2d 633 [2001]).

Peters, P.J., Lynch, Devine, Clark and Aarons, JJ., concur.

ORDERED that the judgment is affirmed, and application to be relieved of assignment granted.

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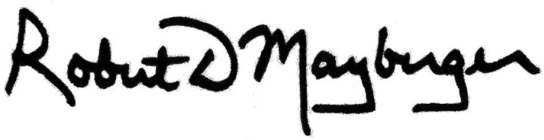

Robert D. Mayberger
Clerk of the Court