

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
THIRD DEPARTMENT

People v. Colombe

2026 NY Slip Op 00285 · No. CR-22-2012 · Decided January 22, 2026

SUMMARY

The New York Appellate Division, Third Department affirmed Gerald Colombe's judgment of conviction for burglary in the second degree following his guilty plea and agreed-upon sentence. The court granted appellate counsel's request to withdraw after finding no nonfrivolous issues, including based on the record and defendant's pro se submissions.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Third Department
WRITING FOR THE COURT	Clark, J.P.; Aarons, J.; Reynolds Fitzgerald, J.; Fisher, J.; Mackey, J.
JURISDICTION	New York Appellate Division, Third Department
DECIDED	January 22, 2026
DOCKET	CR-22-2012
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a County Court judgment convicting him, upon his guilty plea, of burglary in the second degree. Appellate counsel moved to be relieved on the ground that no nonfrivolous issues existed.
STANDARD OF REVIEW	The court independently reviewed the record, appellate counsel's brief, and defendant's pro se submissions to determine whether any nonfrivolous appellate issue existed.
PRECEDENTIAL VALUE	published
PARTIES	Gerald Colombe v. The People of the State of New York

TOPICS

- appellate procedure
- criminal procedure
- right to counsel
- plea bargaining

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether appellate counsel should be permitted to withdraw because the record, counsel's brief, and defendant's pro se submissions presented no nonfrivolous issue.
2. Whether the judgment of conviction should be affirmed.

HOLDINGS

1. After reviewing the record, appellate counsel's brief, and defendant's pro se submissions, the court agreed that no nonfrivolous issue existed and granted counsel's request to withdraw.
2. The judgment convicting defendant of burglary in the second degree was affirmed.

KEY QUOTATIONS

“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”

FACTUAL BACKGROUND

Defendant was charged in a nine-count indictment and pleaded guilty to burglary in the second degree pursuant to a plea agreement. The agreement included a waiver of the right to appeal and provided for sentencing as a second felony offender. County Court imposed a seven-year prison term followed by five years of postrelease supervision.

PROCEDURAL HISTORY

Defendant pleaded guilty in satisfaction of a nine-count indictment and waived his right to appeal. County Court sentenced him as a second felony offender to seven years' imprisonment followed by five years of postrelease supervision. On appeal, assigned counsel sought leave to withdraw, and the Appellate Division affirmed the judgment and granted the application to be relieved.

DISPOSITION

affirmed

CASES CITED

- People v. Cruwys, 113 AD2d 979, 980 (3d Dept 1985), lv denied 67 NY2d 650 (1986)
- People v. Beaty, 22 NY3d 490 (2014)
- People v. Stokes, 95 NY2d 633 (2001)

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