

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

MATTER OF MICHAEL P. MARMOR, A DISBARRED ATTORNEY, RESPONDENT.
GRIEVANCE COMMITTEE OF THE FIFTH JUDICIAL DISTRICT, PETITIONER. -

- Order entered granting motion by respondent to modify order of this Court, vacating sentence imposed and resentencing respondent. Memorandum: We previously found respondent guilty of criminal contempt of court and imposed a sentence of imprisonment of 30 days for his conduct in continuing to practice law in violation of an order of suspension issued during the pendency of a disciplinary investigation (*Matter of Marmor*, 71 AD3d 30). On September 23, 2009, while the disciplinary proceeding was pending, respondent was arrested and charged with grand larceny and other crimes. On December 6, 2010, respondent pleaded guilty in Onondaga County Court to three felony charges. He was sentenced to concurrent indeterminate terms of imprisonment of 1½ to 4 years. Respondent ceased to be an attorney by operation of law upon his conviction of a New York State felony pursuant to Judiciary Law § 90 (4) (a) and (e) and, by order entered January 26, 2011, he was disbarred (*Matter of Marmor*, ___ AD3d ___ [Jan. 26, 2011]). Inasmuch as respondent has been continuously incarcerated since his arrest in September 2009, and will likely remain incarcerated for an additional period of at least one year, the sentence of imprisonment previously imposed for his contempt of court is vacated and respondent is resentenced to an unconditional discharge. All concur. PRESENT: SMITH, J.P., FAHEY, CARNI, SCONIERS, AND GORSKI, JJ. (Filed Mar. 25, 2011.)