

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

370

KA 14-01807

PRESENT: CENTRA, J.P., CARNI, DEJOSEPH, CURRAN, AND SCUDDER, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

JESSE J. BARNES, DEFENDANT-APPELLANT.
(APPEAL NO. 2.)

LEANNE LAPP, PUBLIC DEFENDER, CANANDAIGUA (MARY P. DAVISON OF
COUNSEL), FOR DEFENDANT-APPELLANT.

R. MICHAEL TANTILLO, DISTRICT ATTORNEY, CANANDAIGUA, FOR RESPONDENT.

Appeal from a resentence of the Ontario County Court (Frederick G. Reed, A.J.), rendered July 9, 2014. Defendant was resentenced upon his conviction of burglary in the second degree (two counts), grand larceny in the third degree (two counts), grand larceny in the fourth degree (two counts), and criminal mischief in the third degree (two counts).

It is hereby ORDERED that the resentence so appealed from is unanimously modified on the law by vacating the resentence imposed for grand larceny in the third degree under count two of the indictment, and as modified the resentence is affirmed, and the matter is remitted to Ontario County Court for sentencing on the conviction of petit larceny under count two of the indictment.

Same memorandum as in *People v Barnes* ([appeal No. 1] ___ AD3d ___ [May 6, 2016]).

Entered: May 6, 2016

Frances E. Cafarell
Clerk of the Court