

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

1074

**KA 13-00411**

PRESENT: SMITH, J.P., PERADOTTO, CARNI, VALENTINO, AND WHALEN, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, APPELLANT,

V

ORDER

BYRON CLARK, DEFENDANT-RESPONDENT.

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FRANK A. SEDITA, III, DISTRICT ATTORNEY, BUFFALO (DAVID R. PANEPINTO OF COUNSEL), FOR APPELLANT.

DAVID J. PAJAK, ALDEN, FOR DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Christopher J. Burns, J.), dated December 14, 2012. The order granted the motion of defendant to suppress physical evidence.

It is hereby ORDERED that the order so appealed from is unanimously affirmed for reasons stated in the decision at Supreme Court.

Entered: November 8, 2013

Frances E. Cafarell  
Clerk of the Court