

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

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**KA 14-00067**

PRESENT: SCUDDER, P.J., SMITH, CENTRA, LINDLEY, AND VALENTINO, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

JAMES H. SCHOLZ, DEFENDANT-APPELLANT.  
(APPEAL NO. 3.)

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ADAM H. VAN BUSKIRK, AUBURN, FOR DEFENDANT-APPELLANT.

JON E. BUDELMANN, DISTRICT ATTORNEY, AUBURN (CHRISTOPHER T. VALDINA OF COUNSEL), FOR RESPONDENT.

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Appeal from a judgment of the Cayuga County Court (Mark H. Fandrich, A.J.), rendered May 28, 2013. The judgment convicted defendant, upon his plea of guilty, of issuing a bad check.

It is hereby ORDERED that said appeal is unanimously dismissed.

Same memorandum as in *People v Scholz* ([appeal No. 2] \_\_\_ AD3d \_\_\_ [Feb. 13, 2015]).

Entered: February 13, 2015

Frances E. Cafarell  
Clerk of the Court