

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

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**KA 06-03432**

PRESENT: SMITH, J.P., FAHEY, SCONIERS, PINE, AND GORSKI, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

ORDER

MICHAEL B. SIMPSON, DEFENDANT-APPELLANT.

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TIMOTHY P. DONAHER, PUBLIC DEFENDER, ROCHESTER (MATTHEW J. CLARK OF COUNSEL), FOR DEFENDANT-APPELLANT.

MICHAEL C. GREEN, DISTRICT ATTORNEY, ROCHESTER (GEOFFREY KAEUPER OF COUNSEL), FOR RESPONDENT.

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Appeal from a judgment of the Monroe County Court (Richard A. Keenan, J.), rendered August 10, 2006. The judgment convicted defendant, upon his plea of guilty, of manslaughter in the first degree.

Now, upon reading and filing the stipulation of discontinuance signed by defendant on May 6, 2010 and by the attorneys for the parties on May 19 and 21, 2010,

It is hereby ORDERED that said appeal is unanimously dismissed upon stipulation.

Entered: October 1, 2010

Patricia L. Morgan  
Clerk of the Court