

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

**489**

**CAF 07-02719**

PRESENT: SMITH, J.P., FAHEY, PERADOTTO, CARNI, AND GORSKI, JJ.

---

IN THE MATTER OF LATEESHA MCELRATH,  
PETITIONER-RESPONDENT,

V

ORDER

TOMMIE WIMBERLY, III, RESPONDENT-APPELLANT.

---

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

---

Appeal from an order of the Family Court, Erie County (James H. Dillon, J.), entered November 30, 2007 in a proceeding pursuant to Family Court Act article 4. The order revoked a suspended sentence and committed respondent to the custody of the Erie County Correctional Facility for six months.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Entered: March 27, 2009

JoAnn M. Wahl  
Clerk of the Court