

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

**1519**

**KA 07-00828**

PRESENT: SCUDDER, P.J., FAHEY, CARNI, AND GORSKI, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

VANG KHAMMONIVANG, DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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

MICHAEL C. GREEN, DISTRICT ATTORNEY, ROCHESTER (NANCY A. GILLIGAN OF COUNSEL), FOR RESPONDENT.

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Appeal from a judgment of the Monroe County Court (Frank P. Geraci, Jr., J.), rendered August 9, 2006. The judgment convicted defendant, upon his plea of guilty, of use of a child in a sexual performance and possessing a sexual performance by a child.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed.

Same Memorandum as in *People v Khammonivang* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [Dec. 30, 2009]).

Entered: December 30, 2009

Patricia L. Morgan  
Clerk of the Court