

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

1587

KA 08-00997

PRESENT: HURLBUTT, J.P., SMITH, FAHEY, AND CARNI, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

ORDER

JAMES T. TAMBURRINO, DEFENDANT-APPELLANT.
(APPEAL NO. 2.)

IRVING COHEN, NEW YORK CITY, FOR DEFENDANT-APPELLANT.

SCOTT D. MCNAMARA, DISTRICT ATTORNEY, UTICA (STEVEN G. COX OF
COUNSEL), FOR RESPONDENT.

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Oneida County Court (Michael L. Dwyer, J.), entered April 14, 2008. The order denied defendant's motion pursuant to CPL 440.10 to vacate the judgment convicting defendant of use of a child in a sexual performance, attempted use of a child in a sexual performance, possessing a sexual performance by a child and endangering the welfare of a child (two counts).

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

Entered: December 30, 2009

Patricia L. Morgan
Clerk of the Court