

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

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KA 09-00958

PRESENT: CENTRA, J.P., FAHEY, CARNI, GREEN, AND PINE, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

MICHAEL A. PROKOPIENKO, DEFENDANT-APPELLANT.
(APPEAL NO. 2.)

FRANK J. NEBUSH, JR., PUBLIC DEFENDER, UTICA (RAY A. KYLES OF
COUNSEL), FOR DEFENDANT-APPELLANT.

SCOTT D. MCNAMARA, DISTRICT ATTORNEY, UTICA (KURT D. SCHULTZ OF
COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Supreme Court, Oneida County
(Bernadette T. Romano, J.), rendered February 3, 2009. The judgment
revoked defendant's sentence of probation and imposed a sentence of
incarceration.

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

Same Memorandum as in *People v Prokopienko* ([appeal No. 1] ____
AD3d ____ [Apr. 30, 2010]).

Entered: April 30, 2010

Patricia L. Morgan
Clerk of the Court