

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

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**KA 10-01180**

PRESENT: SMITH, J.P., PERADOTTO, CARNI, AND SCONIERS, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

CHARLES J. ALLEN, ALSO KNOWN AS CJ,  
DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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CHARLES A. MARANGOLA, MORAVIA, FOR DEFENDANT-APPELLANT.

JON E. BUDELMANN, DISTRICT ATTORNEY, AUBURN (CHRISTOPHER T. VALDINA OF  
COUNSEL), FOR RESPONDENT.

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Appeal from a judgment of the Cayuga County Court (Mark H. Fandrich, A.J.), rendered December 10, 2009. The judgment convicted defendant, upon his plea of guilty, of burglary in the third degree.

It is hereby ORDERED that said appeal is unanimously dismissed.

Same Memorandum as in *People v Allen* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [Mar. 23, 2012]).

Entered: March 23, 2012

Frances E. Cafarell  
Clerk of the Court