

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

700

**KA 06-03701**

PRESENT: SCUDDER, P.J., CENTRA, PERADOTTO, CARNI, AND LINDLEY, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

JASON M. STUBBS, DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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WILLIAM G. PIXLEY, ROCHESTER, FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (STEPHEN X. O'BRIEN OF COUNSEL), FOR RESPONDENT.

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Appeal from a resentence of the Monroe County Court (Elma A. Bellini, J.), rendered October 31, 2006. Defendant was resented upon his conviction of criminal possession of a weapon in the second degree and criminal possession of a weapon in the third degree.

It is hereby ORDERED that the resentence so appealed from is unanimously reversed on the law and the matter is remitted to Monroe County Court for the filing of a predicate felony offender statement and resentencing.

Same Memorandum as in *People v Stubbs* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [June 8, 2012]).

Entered: June 8, 2012

Frances E. Cafarell  
Clerk of the Court