

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

1022

KA 10-02120

PRESENT: CENTRA, J.P., FAHEY, PERADOTTO, CARNI, AND SCONIERS, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

KIERON ALLEN, DEFENDANT-APPELLANT.
(APPEAL NO. 2.)

CHRISTOPHER JUDE PELLI, UTICA, FOR DEFENDANT-APPELLANT.

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

Appeal from a resentence of the Oneida County Court (Michael L. Dwyer, J.), rendered October 8, 2010. Defendant was resented upon his conviction of robbery in the first degree.

It is hereby ORDERED that the resentence so appealed from is unanimously reversed on the law and the matter is remitted to Oneida County Court for further proceedings in accordance with the same Memorandum as in *People v Allen* ([appeal No. 1] ___ AD3d ___ [Oct. 5, 2012]).

Entered: October 5, 2012

Frances E. Cafarell
Clerk of the Court