

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

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KA 12-00855

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, SCONIERS, AND MARTOCHE, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, APPELLANT,

V

MEMORANDUM AND ORDER

ROBIN HARVEY, DEFENDANT-RESPONDENT.
(APPEAL NO. 2.)

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

REBECCA L. WITTMAN, UTICA, FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Oneida County (Barry M. Donalty, A.J.), dated September 14, 2011. The order granted that part of the motion of defendant to suppress certain physical evidence.

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

Same Memorandum as in *People v Weathers* (___ AD3d ___ [Nov. 16, 2012]).

Entered: November 16, 2012

Frances E. Cafarell
Clerk of the Court