

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

**890.1**

**KA 12-01643**

PRESENT: SCUDDER, P.J., FAHEY, LINDLEY, AND VALENTINO, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, APPELLANT,

V

ORDER

FRANK VANALST, ALSO KNOWN AS SHAUN JOHNSON,  
DEFENDANT-RESPONDENT.

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R. MICHAEL TANTILLO, DISTRICT ATTORNEY, CANANDAIGUA (BRIAN D. DENNIS  
OF COUNSEL), FOR APPELLANT.

HOFFMANN, HUBERT & HOFFMANN, LLP, SYRACUSE (TERRANCE J. HOFFMANN OF  
COUNSEL), FOR DEFENDANT-RESPONDENT.

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Appeal from an order of the Ontario County Court (Frederick G. Reed, A.J.), entered April 9, 2012. The appeal was held by this Court by order entered February 8, 2013, decision was reserved and the matter was remitted to Ontario County Court for further proceedings (103 AD3d 1227).

Now, upon reading and filing the stipulation of discontinuance signed by defendant on May 23, 2013 and by the attorneys for the parties on May 23 and August 19, 2013,

It is hereby ORDERED that said appeal is unanimously dismissed upon stipulation.

Entered: September 27, 2013

Frances E. Cafarell  
Clerk of the Court