

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

**1024**

**KA 12-01871**

PRESENT: SMITH, J.P., PERADOTTO, VALENTINO, WHALEN, AND DEJOSEPH, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

OPINION AND ORDER

ROBERT M. KNAPP, DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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CHARLES 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 September 25, 2012. The judgment convicted defendant, upon a jury verdict, of endangering the welfare of a child.

It is hereby ORDERED that the judgment so appealed from is unanimously reversed on the law, that part of the omnibus motion seeking to suppress defendant's statements is granted, and a new trial is granted on count two of the indictment.

Same Opinion by PERADOTTO, J. as in *People v Knapp* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [Nov. 14, 2014]).

Entered: November 14, 2014

Frances E. Cafarell  
Clerk of the Court