

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

**480**

**KA 08-01038**

PRESENT: SCUDDER, P.J., SMITH, CENTRA, AND LINDLEY, JJ.

---

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

ORDER

WESLEY KIRKLAND, DEFENDANT-APPELLANT.

---

THE LEGAL AID BUREAU OF BUFFALO, INC., BUFFALO (ROBERT B. HALLBORG, JR., OF COUNSEL), FOR DEFENDANT-APPELLANT.

FRANK A. SEDITA, III, DISTRICT ATTORNEY, BUFFALO (DONNA A. MILLING OF COUNSEL), FOR RESPONDENT.

---

Appeal from a judgment of the Erie County Court (Shirley Troutman, J.), rendered March 27, 2008. The appeal was held by this Court by order entered December 30, 2009, decision was reserved and the matter was remitted to Erie County Court for further proceedings (68 AD3d 1794). The proceedings were held and completed (Sheila A. DiTullio, J.).

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

Entered: April 29, 2011

Patricia L. Morgan  
Clerk of the Court