

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

1150

**KA 12-00855**

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

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THE PEOPLE OF THE STATE OF NEW YORK, APPELLANT,

V

MEMORANDUM AND ORDER

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

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

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

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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