

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

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**KA 13-00410**

PRESENT: SCUDDER, P.J., CENTRA, LINDLEY, SCONIERS, AND DEJOSEPH, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

RYAN P. BRAHNEY, DEFENDANT-APPELLANT.  
(APPEAL NO. 1.)

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DAVID P. ELKOVITCH, AUBURN, FOR DEFENDANT-APPELLANT.

RYAN P. BRAHNEY, DEFENDANT-APPELLANT PRO SE.

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 (Thomas G. Leone, J.), rendered October 25, 2012. The judgment convicted defendant, upon a nonjury verdict, of murder in the second degree (two counts), burglary in the first degree (two counts), criminal possession of a weapon in the fourth degree and criminal contempt in the first degree (two counts).

It is hereby ORDERED that said appeal from the judgment insofar as it imposed sentence is unanimously dismissed and the judgment is affirmed.

Same memorandum as in *People v Brahney* ([appeal No. 2] \_\_\_ AD3d \_\_\_ [Mar. 20, 2015]).

Entered: March 20, 2015

Frances E. Cafarell  
Clerk of the Court