

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

206

KA 20-00478

PRESENT: LINDLEY, J.P., CURRAN, GREENWOOD, AND HANNAH, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

BRIAN SMITH, DEFENDANT-APPELLANT.
(APPEAL NO. 1.)

THE LEGAL AID BUREAU OF BUFFALO, INC., BUFFALO (AXELLE LECOMTE
MATHEWSON OF COUNSEL), FOR DEFENDANT-APPELLANT.

MICHAEL J. KEANE, DISTRICT ATTORNEY, BUFFALO (HARMONY A. HEALY OF
COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered August 19, 2019. The judgment convicted defendant upon a guilty plea of attempted rape in the third degree.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Same memorandum as in *People v Smith* ([appeal No. 2] – AD3d – [Apr. 25, 2025] [4th Dept 2025]).

Entered: April 25, 2025

Ann Dillon Flynn
Clerk of the Court