

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

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KA 24-01529

PRESENT: WHALEN, P.J., CURRAN, GREENWOOD, AND KEANE, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

JONATHAN SPINKS, DEFENDANT-APPELLANT.
(APPEAL NO. 2.)

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

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (BRIDGET L. FIELD OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Supreme Court, Monroe County (Vincent M. Dinolfo, J.), rendered December 22, 2022. The judgment convicted defendant, upon a jury verdict, of attempted murder in the second degree, assault in the first degree, burglary in the first degree (two counts) and criminal possession of a weapon in the second degree (three counts).

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

Same memorandum as in *People v Spinks* ([appeal No. 1] – AD3d – [July 25, 2025] [4th Dept 2025]).

All concur except WHALEN, P.J., who dissents and votes to reverse in accordance with the same dissenting memorandum as in *People v Spinks* ([appeal No. 1] – AD3d – [July 25, 2025] [4th Dept 2025]).

Entered: July 25, 2025

Ann Dillon Flynn
Clerk of the Court