

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

505

**KA 22-01656**

PRESENT: WHALEN, P.J., BANNISTER, OGDEN, GREENWOOD, AND KEANE, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

TERRY J. EVERSON, DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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FRANK H. HISCOCK LEGAL AID SOCIETY, SYRACUSE, BANASIAK LAW OFFICE,  
PLLC (PIOTR BANASIAK OF COUNSEL), FOR DEFENDANT-APPELLANT.

WILLIAM J. FITZPATRICK, DISTRICT ATTORNEY, SYRACUSE (DAVID D. BASSETT  
OF COUNSEL), FOR RESPONDENT.

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Appeal from a judgment of the Supreme Court, Onondaga County (Gordon J. Cuffy, A.J.), rendered September 13, 2022. The judgment convicted defendant, upon a jury verdict, of burglary in the second degree and grand larceny in the fourth degree.

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

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

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

Entered: July 25, 2025

Ann Dillon Flynn  
Clerk of the Court