

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

**1374**

**KA 13-01850**

PRESENT: SCUDDER, P.J., SMITH, CARNI, LINDLEY, AND SCONIERS, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

RANDY JOHNSON, DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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THE LEGAL AID BUREAU OF BUFFALO, INC., BUFFALO (ALAN WILLIAMS OF COUNSEL), FOR DEFENDANT-APPELLANT.

LAWRENCE FRIEDMAN, DISTRICT ATTORNEY, BATAVIA (WILLIAM G. ZICKL OF COUNSEL), FOR RESPONDENT.

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Appeal from an order of the Genesee County Court (Robert C. Noonan, J.), entered September 26, 2013. The order directed defendant to pay restitution of \$18,828.75, plus surcharge, to the Genesee County Department of Social Services.

It is hereby ORDERED that the order so appealed from is unanimously modified on the law by vacating that part directing defendant to pay restitution to Genesee County Department of Social Services for expenses of foster care placement in the amount of \$7,378.00 and the surcharge thereon in the amount of \$368.90, and as modified the order is affirmed.

Same Memorandum as in *People v Johnson* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [Feb. 6, 2015]).

Entered: February 6, 2015

Frances E. Cafarell  
Clerk of the Court