

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

943

KA 19-01396

PRESENT: PERADOTTO, J.P., CARNI, LINDLEY, WINSLOW, AND BANNISTER, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

DAVID J. WITHEROW, DEFENDANT-APPELLANT.
(APPEAL NO. 2.)

CARA A. WALDMAN, FAIRPORT, FOR DEFENDANT-APPELLANT.

JAMES B. RITTS, DISTRICT ATTORNEY, CANANDAIGUA (V. CHRISTOPHER EAGGLESTON OF COUNSEL), FOR RESPONDENT.

Appeal from an order of the Ontario County Court (Michael M. Mohun, A.J.), dated July 19, 2018. The order, among other things, directed defendant to pay restitution and reparation.

It is hereby ORDERED that the order so appealed from is modified on the law by reducing the total amount of restitution and reparation to \$27,520.09, and as modified the order is affirmed.

Same memorandum as in *People v Witherow* ([appeal No. 1] – AD3d – [Mar. 11, 2022] [4th Dept 2022]).

All concur except CARNI, J., who is not participating.

Entered: March 11, 2022

Ann Dillon Flynn
Clerk of the Court