

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

1183

**KA 15-00329**

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, VALENTINO, AND WHALEN, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, APPELLANT,

V

ORDER

ALAN HEMPHILL, DEFENDANT-RESPONDENT.

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FRANK A. SEDITA, III, DISTRICT ATTORNEY, BUFFALO (DANIEL J. PUNCH OF COUNSEL), FOR APPELLANT.

THE LEGAL AID BUREAU OF BUFFALO, INC., BUFFALO (BARBARA J. DAVIES OF COUNSEL), FOR DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (Christopher J. Burns, J.), dated January 20, 2015. The order granted the motion of defendant to suppress a firearm.

It is hereby ORDERED that the order so appealed from is unanimously affirmed for reasons stated at Supreme Court and the indictment is dismissed.

Entered: November 13, 2015

Frances E. Cafarell  
Clerk of the Court