

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

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**KA 14-00661**

PRESENT: SMITH, J.P., CENTRA, CARNI, DEJOSEPH, AND WINSLOW, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

MARQUIS R. MCMILLIAN, ALSO KNOWN AS JOHN DOE/"DAP",  
DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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MARK D. FUNK, CONFLICT DEFENDER, ROCHESTER (KATHLEEN P. REARDON OF  
COUNSEL), FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (SCOTT MYLES OF COUNSEL),  
FOR RESPONDENT.

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Appeal from a judgment of the Monroe County Court (John L. DeMarco, J.), rendered October 1, 2013. The judgment convicted defendant, after a nonjury trial, of attempted murder in the second degree, assault in the first degree and criminal possession of a weapon in the second degree (two counts).

It is hereby ORDERED that the judgment so appealed from is unanimously modified on the law by directing that the periods of postrelease supervision imposed on counts one through four of the indictment shall run concurrently with the periods of postrelease supervision imposed on counts two through four of indictment No. 2012/0446, and as modified the judgment is affirmed in accordance with the same memorandum as in *People v McMillian* ([appeal No. 1] – AD3d – [Feb. 2, 2018] [4th Dept 2018]).

Entered: February 2, 2018

Mark W. Bennett  
Clerk of the Court