

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

639

KA 16-02022

PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, TROUTMAN, AND WINSLOW, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

ALEXANDER KATES, DEFENDANT-APPELLANT.
(APPEAL NO. 2.)

CATHERINE H. JOSH, ROCHESTER, FOR DEFENDANT-APPELLANT.

ALEXANDER KATES, DEFENDANT-APPELLANT PRO SE.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (NANCY GILLIGAN OF COUNSEL), FOR RESPONDENT.

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Monroe County Court (Douglas A. Randall, J.), entered August 19, 2016. The order, inter alia, denied defendant's motion pursuant to CPL 440.10 to vacate the judgment convicting him of kidnapping in the second degree.

It is hereby ORDERED that the order so appealed from is unanimously affirmed.

Same memorandum as in *People v Kates* ([appeal No. 1] - AD3d - [June 15, 2018] [4th Dept 2018]).

Entered: June 15, 2018

Mark W. Bennett
Clerk of the Court