

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

**880**

**KA 19-00811**

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

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

ORDER

TOBIAS S., DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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THE LEGAL AID BUREAU OF BUFFALO, INC., BUFFALO (DEBORAH K. JESSEY OF COUNSEL), FOR DEFENDANT-APPELLANT.

JOHN J. FLYNN, DISTRICT ATTORNEY, BUFFALO (DANIEL J. PUNCH OF COUNSEL), FOR RESPONDENT.

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Appeal from an adjudication of the Supreme Court, Erie County (John L. Michalski, A.J.), rendered February 26, 2019. The adjudication revoked defendant's sentence of probation and imposed a sentence of imprisonment.

It is hereby ORDERED that the adjudication so appealed from is unanimously affirmed (*see People v Shaland S.*, 187 AD3d 1683, 1684 [4th Dept 2020], *lv denied* 36 NY3d 1053 [2021]; *People v Carlisle*, 120 AD3d 1607, 1608 [4th Dept 2014], *lv denied* 24 NY3d 1082 [2014]; *People v Prokopienko* [appeal No. 2], 72 AD3d 1528, 1529 [4th Dept 2010]; *see also People v Hoti*, 12 NY3d 742, 743 [2009]; *People v Nieves*, 2 NY3d 310, 316-317 [2004]).

Entered: November 12, 2021

Ann Dillon Flynn  
Clerk of the Court