

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

209.3

KA 07-00835

PRESENT: SMITH, J.P., CENTRA, FAHEY, GREEN, AND PINE, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

TRACY MARACLE, DEFENDANT-APPELLANT.
(APPEAL NO. 1.)

MARIA A. MASSARO, NIAGARA FALLS, FOR DEFENDANT-APPELLANT.

MICHAEL J. VIOLANTE, DISTRICT ATTORNEY, LOCKPORT (THOMAS H. BRANDT OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Supreme Court, Niagara County (Ralph A. Boniello, III, J.), rendered March 29, 2007. The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the second degree.

It is hereby ORDERED that the judgment so appealed from is unanimously reversed on the law and the plea is vacated.

Same Memorandum as in *People v Maracle* ([appeal No. 2] ____ AD3d ____ [Mar. 20, 2009]).

Entered: March 20, 2009

JoAnn M. Wahl
Clerk of the Court