

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

602

KA 07-01593

PRESENT: HURLBUTT, J.P., CENTRA, PERADOTTO, GREEN, AND GORSKI, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

CAMERON GRADY, DEFENDANT-APPELLANT.

FRANK H. HISCOCK LEGAL AID SOCIETY, SYRACUSE (ROBERT P. RICKERT OF COUNSEL), FOR DEFENDANT-APPELLANT.

WILLIAM J. FITZPATRICK, DISTRICT ATTORNEY, SYRACUSE (VICTORIA M. WHITE OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Onondaga County Court (William D. Walsh, J.), rendered June 11, 2007. The judgment revoked defendant's sentence of probation and imposed a sentence of imprisonment.

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

Memorandum: Defendant appeals from a judgment revoking the sentence of probation imposed upon his conviction of, inter alia, driving while intoxicated (Vehicle and Traffic Law § 1192 [3]) and sentencing him to an indeterminate term of imprisonment. "County Court's determination resolving witness credibility must be accorded 'great weight' " (*People v Cruz*, 35 AD3d 898, 899, lv denied 8 NY3d 845), and we conclude that the People established by a preponderance of the evidence that defendant violated the conditions of his probation (*see People v Bergman*, 56 AD3d 1225).

Entered: April 24, 2009

Patricia L. Morgan
Deputy Clerk of the Court