

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

1383

KA 06-00458

PRESENT: MARTOCHE, J.P., SMITH, FAHEY, CARNI, AND PINE, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

ORDER

JERMAINE BROWN, DEFENDANT-APPELLANT.
(APPEAL NO. 2.)

KRISTIN F. SPLAIN, CONFLICT DEFENDER, ROCHESTER (WILLIAM G. PIXLEY OF COUNSEL), FOR DEFENDANT-APPELLANT.

JERMAINE BROWN, DEFENDANT-APPELLANT PRO SE.

MICHAEL C. GREEN, DISTRICT ATTORNEY, ROCHESTER (WENDY EVANS LEHMANN 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 Supreme Court, Monroe County (Stephen R. Sirkin, A.J.), entered January 5, 2006. The order denied the motion of defendant pursuant to CPL 440.10 to vacate the judgment of conviction in appeal No. 1.

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

Entered: November 13, 2009

Patricia L. Morgan
Clerk of the Court