

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

**1608**

**KA 08-00914**

PRESENT: SCUDDER, P.J., CENTRA, FAHEY, CARNI, AND PINE, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

ROBBIE D. OWENS, DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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FRANK H. HISCOCK LEGAL AID SOCIETY, SYRACUSE (PHILIP ROTHSCHILD OF COUNSEL), FOR DEFENDANT-APPELLANT.

ROBBIE D. OWENS, DEFENDANT-APPELLANT PRO SE.

WILLIAM J. FITZPATRICK, DISTRICT ATTORNEY, SYRACUSE (BRENTON P. DADEY OF COUNSEL), FOR RESPONDENT.

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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, Onondaga County (John J. Brunetti, A.J.), entered April 10, 2008. The order denied defendant's motion pursuant to CPL 440.10 to vacate the judgment in appeal No. 1.

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

Same Memorandum as in *People v Owens* ([appeal No. 1] \_\_\_\_ AD3d \_\_\_\_ [Feb. 11, 2010]).

Entered: February 11, 2010

Patricia L. Morgan  
Clerk of the Court