

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

**1145**

**KA 10-01008**

PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, SCONIERS, AND PINE, JJ.

---

THE PEOPLE OF THE STATE OF NEW YORK, APPELLANT,

V

ORDER

RICHARD L. GRAHAM, DEFENDANT-RESPONDENT.

---

DONALD H. DODD, DISTRICT ATTORNEY, OSWEGO (GREGORY S. OAKES OF COUNSEL), FOR APPELLANT.

RODAK & KIRWAN, PC, OSWEGO (TIMOTHY J. KIRWAN OF COUNSEL), FOR DEFENDANT-RESPONDENT.

---

Appeal from an order of the Oswego County Court (Walter Hafner, Jr., J.), entered April 9, 2010. The order, insofar as appealed from, granted the motion of defendant to dismiss counts one, two, five and six of the indictment.

It is hereby ORDERED that the order so appealed from is unanimously affirmed for reasons stated in the decision at County Court.

Entered: October 1, 2010

Patricia L. Morgan  
Clerk of the Court