

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

1539

KA 09-02127

PRESENT: SCUDDER, P.J., SMITH, GREEN, PINE, AND GORSKI, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

ORDER

COLBY FOSS, III, DEFENDANT-APPELLANT.

DAVID J. FARRUGIA, PUBLIC DEFENDER, LOCKPORT (JOSEPH G. FRAZIER OF COUNSEL), FOR DEFENDANT-APPELLANT.

COLBY FOSS, III, DEFENDANT-APPELLANT PRO SE.

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

Appeal from a judgment of the Niagara County Court (Sara S. Sperrazza, J.), rendered June 1, 2005. The judgment convicted defendant, upon a jury verdict, of criminal sexual act in the first degree (three counts) and endangering the welfare of a child.

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

All concur except PINE, J., who is not participating.

Entered: February 10, 2011

Patricia L. Morgan
Clerk of the Court