

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

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**KA 10-01436**

PRESENT: SCUDDER, P.J., CENTRA, FAHEY, LINDLEY, AND MARTOCHE, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

ANNA VOLL, DEFENDANT-APPELLANT.

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THE LEGAL AID BUREAU OF BUFFALO, INC., BUFFALO (ROBERT B. HALLBORG, JR., OF COUNSEL), FOR DEFENDANT-APPELLANT.

FRANK A. SEDITA, III, DISTRICT ATTORNEY, BUFFALO (J. MICHAEL MARION OF COUNSEL), FOR RESPONDENT.

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Appeal from a judgment of the Erie County Court (Sheila A. DiTullio, J.), rendered May 27, 2010. The judgment convicted defendant, upon her plea of guilty, of grand larceny in the fourth degree and identity theft in the second degree.

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

Memorandum: On appeal from a judgment convicting her upon her plea of guilty of grand larceny in the fourth degree (Penal Law § 155.30 [1]) and identity theft in the second degree (§ 190.79 [2]), defendant contends that County Court erred in setting the duration of the order of protection issued against her at sentencing. According to defendant, the expiration date of the order of protection can be no later than March 2, 2018, rather than May 27, 2018, as set by the court. As defendant correctly concedes, however, she failed to preserve that contention for our review (*see People v Nieves*, 2 NY3d 310, 315-317), and we decline to exercise our power to review it as a matter of discretion in the interest of justice (*see People v Childres*, 60 AD3d 1278, 1279, *lv denied* 12 NY3d 913).

Entered: July 1, 2011

Patricia L. Morgan  
Clerk of the Court