

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

1246

**KA 11-00474**

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

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

ANTONIO NUNES, DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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MICHAEL B. JONES, BUFFALO, FOR DEFENDANT-APPELLANT.

FRANK A. SEDITA, III, DISTRICT ATTORNEY, BUFFALO (SHAWN P. HENNESSY OF COUNSEL), FOR RESPONDENT.

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Appeal from a resentence of the Erie County Court (Sheila A. DiTullio, J.), rendered July 30, 2008. Defendant was resented upon his conviction of attempted robbery in the second degree.

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

Same Memorandum as in *People v Nunes* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [Nov. 18, 2011]).

Entered: November 18, 2011

Patricia L. Morgan  
Clerk of the Court