

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

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KA 11-00747

PRESENT: SCUDDER, P.J., SMITH, CENTRA, AND GORSKI, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

TATIANA S. PALLAGI, DEFENDANT-APPELLANT.
(APPEAL NO. 2.)

CONNORS & VILARDO, LLP, BUFFALO (TERRENCE M. CONNORS OF COUNSEL), FOR
DEFENDANT-APPELLANT.

R. MICHAEL TANTILLO, DISTRICT ATTORNEY, CANANDAIGUA (BRIAN D. DENNIS
OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Ontario County Court (William F. Kocher, J.), rendered March 2, 2011. The judgment convicted defendant, upon a jury verdict, of grand larceny in the fourth degree.

It is hereby ORDERED that the judgment so appealed from is reversed on the law and the indictment is dismissed without prejudice to the People to file any appropriate charge.

Same Memorandum as in *People v Pallagi* ([appeal No. 1] ___ AD3d ___ [Jan. 31, 2012]).

All concur except SCUDDER, P.J., who dissents and votes to modify in accordance with the same dissenting Memorandum as in *People v Pallagi* ([appeal No. 1] ___ AD3d ___ [Jan. 31, 2012]).

Entered: January 31, 2012

Frances E. Cafarell
Clerk of the Court