

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

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**KA 10-01512**

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

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

ORDER

THOMAS DECROCE, DEFENDANT-APPELLANT.

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JOHN A. HERBOWY, ROME, FOR DEFENDANT-APPELLANT.

JOHN H. CRANDALL, DISTRICT ATTORNEY, HERKIMER (JACQUELYN M. ASNOE OF COUNSEL), FOR RESPONDENT.

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Appeal from an order of the Herkimer County Court (Patrick L. Kirk, J.), entered May 26, 2010. The order determined that defendant is a level two risk pursuant to the Sex Offender Registration Act.

Now, upon reading and filing the stipulation withdrawing appeal signed by the attorneys for the parties on January 10 and 18, 2012, and signed by the defendant,

It is hereby ORDERED that said appeal is unanimously dismissed without costs upon stipulation.

Entered: February 10, 2012

Frances E. Cafarell  
Clerk of the Court