

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

706.1

KA 12-00770

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

---

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

VINCENT TORRES, DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

---

J. SCOTT PORTER, SENECA FALLS, FOR DEFENDANT-APPELLANT.

WILLIAM J. FITZPATRICK, DISTRICT ATTORNEY, SYRACUSE (VICTORIA M. WHITE OF COUNSEL), FOR RESPONDENT.

---

Appeal from a resentence of the Onondaga County Court (William D. Walsh, J.), rendered July 6, 2011. Defendant was resented upon his conviction of burglary in the second degree.

It is hereby ORDERED that the resentence so appealed from is vacated.

Same Memorandum as in *People v Torres* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [July 6, 2012]).

Entered: July 6, 2012

Frances E. Cafarell  
Clerk of the Court