

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

820.3/11

KA 10-01937

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, AND SCONIERS, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

AMBER MARACLE, DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (TIMOTHY P. MURPHY OF  
COUNSEL), FOR DEFENDANT-APPELLANT.

FRANK A. SEDITA, III, DISTRICT ATTORNEY, BUFFALO (MATTHEW B. POWERS OF  
COUNSEL), FOR RESPONDENT.

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Appeal from a resentencing of the Supreme Court, Erie County (M. William Boller, A.J.), rendered January 28, 2010. Defendant was resentedenced upon her conviction of forgery in the second degree (four counts). The resentencing was affirmed by order of this Court entered June 10, 2011 in a memorandum decision (85 AD3d 1654), and defendant on September 23, 2011 was granted leave to appeal to the Court of Appeals from the order of this Court (17 NY3d 860), and the Court of Appeals on June 27, 2012 reversed the order and remitted the case to this Court for further proceedings consistent with the memorandum (\_\_\_ NY3d \_\_\_ [June 27, 2012]).

Now, upon remittitur from the Court of Appeals,

It is hereby ORDERED that, upon remittitur from the Court of Appeals, the resentencing so appealed from is unanimously affirmed.

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

Entered: July 6, 2012

Frances E. Cafarell  
Clerk of the Court