

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

861

**KA 10-01984**

PRESENT: SCUDDER, P.J., SMITH, FAHEY, AND PERADOTTO, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

STACEY R. CASTOR, DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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BIANCO LAW OFFICE, SYRACUSE (RANDI JUDA BIANCO OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

WILLIAM J. FITZPATRICK, DISTRICT ATTORNEY, SYRACUSE (JAMES P. MAXWELL  
OF COUNSEL), FOR RESPONDENT.

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Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Onondaga County Court (Joseph E. Fahey, J.), dated August 12, 2010. The order denied the motion of defendant pursuant to CPL 440.10 seeking to vacate the judgment convicting her of murder in the second degree, attempted murder in the second degree and offering a false instrument for filing in the first degree.

It is hereby ORDERED that the order so appealed from is unanimously reversed on the law and the matter is remitted to Onondaga County Court for a hearing on the motion in accordance with the same Memorandum as in *People v Castor* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [Oct. 5, 2012]).

Entered: October 5, 2012

Frances E. Cafarell  
Clerk of the Court