

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

1428

KA 10-00155

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, WHALEN, AND MARTOCHE, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

MICHAEL A. CADY, DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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TIMOTHY P. DONAHER, PUBLIC DEFENDER, ROCHESTER, THE WOLFORD LAW FIRM, LLP (JAMES A. HOBBS OF COUNSEL), FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (MATTHEW DUNHAM OF COUNSEL), FOR RESPONDENT.

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Appeal from a resentence of the Supreme Court, Monroe County (Joseph D. Valentino, J.), rendered January 19, 2010. Defendant was resentenced upon his conviction of criminal possession of a weapon in the second degree (two counts) and criminal possession of a weapon in the third degree.

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

Same Memorandum as in *People v Cady* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [Feb. 1, 2013]).

Entered: February 1, 2013

Frances E. Cafarell  
Clerk of the Court