

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

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**KA 09-01559**

PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, GREEN, AND GORSKI, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

ORDER

JAMES WESOLOWSKI, DEFENDANT-APPELLANT.

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LOTEMPIO & BROWN, P.C., BUFFALO (FRANK L. LOTEMPPIO, JR., OF COUNSEL),  
FOR DEFENDANT-APPELLANT.

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Appeal from a judgment of the Allegany County Court (Thomas P. Brown, J.), rendered September 16, 2008. The judgment revoked defendant's sentence of probation and imposed a sentence of imprisonment.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed.

Entered: February 11, 2010

Patricia L. Morgan  
Clerk of the Court