

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

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KA 09-00315

PRESENT: CENTRA, J.P., CARNI, LINDLEY, GREEN, AND GORSKI, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

ORDER

MARK D. TOOLEY, DEFENDANT-APPELLANT.

GARY A. HORTON, PUBLIC DEFENDER, BATAVIA (BRIDGET L. FIELD OF COUNSEL), FOR DEFENDANT-APPELLANT.

LAWRENCE FRIEDMAN, DISTRICT ATTORNEY, BATAVIA (WILLIAM G. ZICKL OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Genesee County Court (Robert C. Noonan, J.), rendered January 22, 2009. The judgment revoked defendant's sentence of probation and imposed a sentence of imprisonment.

Now, upon reading and filing the stipulation to withdraw brief and discontinue appeal signed by defendant on February 4, 2010 and the attorneys for the parties on March 25 and 26, 2010,

It is hereby ORDERED that said appeal is unanimously dismissed upon stipulation.

Entered: April 30, 2010

Patricia L. Morgan
Clerk of the Court