

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

1328

KA 10-00172

PRESENT: SCUDDER, P.J., FAHEY, CARNI, LINDLEY, AND SCONIERS, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

ISIAH WILLIAMS, DEFENDANT-APPELLANT.
(APPEAL NO. 3.)

WILLIAM G. PIXLEY, ROCHESTER, FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (NICOLE M. FANTIGROSSI OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Monroe County Court (John J. Connell, J.), rendered January 21, 2010. The judgment convicted defendant, upon a jury verdict, of criminal possession of a forged instrument in the second degree (eight counts), petit larceny (two counts), grand larceny in the third degree, identity theft in the first degree and scheme to defraud in the first degree.

It is hereby ORDERED that the judgment so appealed from is unanimously reversed on the law, that part of defendant's omnibus motion seeking to suppress the identification testimony with respect to count 6 of the indictment is granted, and a new trial is granted on counts 3, 5, 6 and 8 through 15 of the indictment and count 7 of the indictment is dismissed without prejudice to the People to re-present any appropriate charge under that count of the indictment to another grand jury.

Same Memorandum as in *People v Williams* ([appeal No. 2] ___ AD3d ___ [Dec. 28, 2012]).

Entered: December 28, 2012

Frances E. Cafarell
Clerk of the Court