

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

513

**KA 15-01366**

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, DEJOSEPH, AND NEMOYER, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

MICHAEL J. REGATUSO, II, DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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EASTON THOMPSON KASPEREK SHIFFRIN LLP, ROCHESTER (DANIELLE C. WILD OF COUNSEL), FOR DEFENDANT-APPELLANT.

DONALD G. O'GEEN, DISTRICT ATTORNEY, WARSAW (VINCENT A. HEMMING OF COUNSEL), FOR RESPONDENT.

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Appeal from a judgment of the Wyoming County Court (Michael M. Mohun, J.), rendered May 13, 2015. The judgment convicted defendant, upon a jury verdict, of criminal sale of a controlled substance in the third degree (seven counts), criminal possession of a controlled substance in the third degree (seven counts) and conspiracy in the fourth degree.

It is hereby ORDERED that the judgment so appealed from is unanimously modified on the law by vacating the fines imposed for criminal possession of a controlled substance in the third degree under counts 3, 5, 7, 9, 11, 13, and 15 of the indictment and as modified the judgment is affirmed.

Same memorandum as in *People v Regatuso* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [June 17, 2016]).

Entered: June 17, 2016

Frances E. Cafarell  
Clerk of the Court