

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

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**KA 17-01089**

PRESENT: WHALEN, P.J., CENTRA, NEMOYER, CURRAN, AND WINSLOW, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

ROCCO A. BEARDSLEY, DEFENDANT-APPELLANT.  
(APPEAL NO. 3.)

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ERICKSON WEBB SCOLTON & HAJDU, LAKEWOOD (LYLE T. HAJDU OF COUNSEL),  
FOR DEFENDANT-APPELLANT.

PATRICK E. SWANSON, DISTRICT ATTORNEY, MAYVILLE (LYNN S. SCHAFFER OF  
COUNSEL), FOR RESPONDENT.

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Appeal from a judgment of the Supreme Court, Chautauqua County  
(Paul Wojtaszek, J.), rendered January 12, 2017. The judgment  
convicted defendant, upon his plea of guilty, of attempted criminal  
possession of a controlled substance in the third degree.

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

Same memorandum as in *People v Beardsley* ([appeal No. 1] – AD3d –  
[June 14, 2019] [4th Dept 2019]).

Entered: June 14, 2019

Mark W. Bennett  
Clerk of the Court