

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

1345

**KA 12-00046**

PRESENT: SMITH, J.P., FAHEY, LINDLEY, SCONIERS, AND WHALEN, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT

V

ORDER

VALFANSO DEWITT, DEFENDANT-APPELLANT.

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WILLIAMS, HEINL, MOODY & BUSCHMAN, P.C., AUBURN (MARIO J. GUTIERREZ OF COUNSEL), FOR DEFENDANT-APPELLANT.

JON E. BUDELMANN, DISTRICT ATTORNEY, AUBURN (NATHAN J. GARLAND OF COUNSEL), FOR RESPONDENT.

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Appeal from an order of the Cayuga County Court (Thomas G. Leone, J.), entered November 10, 2011. The order denied the motion of defendant for resentencing pursuant to the Drug Law Reform Acts of 2004, 2005 and 2009.

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

Entered: December 27, 2013

Frances E. Cafarell  
Clerk of the Court