

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

517

KA 10-00151

PRESENT: CENTRA, J.P., PERADOTTO, CARNI, LINDLEY, AND WHALEN, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

CHRISTOPHER A. NICHOLSON, ALSO KNOWN AS JOHN DOE,
DEFENDANT-APPELLANT.
(APPEAL NO. 2.)

DAVISON LAW OFFICE PLLC, CANANDAIGUA (MARY P. DAVISON OF COUNSEL), FOR
DEFENDANT-APPELLANT.

CHRISTOPHER A. NICHOLSON, DEFENDANT-APPELLANT PRO SE.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (GEOFFREY KAEUPER OF
COUNSEL), FOR RESPONDENT.

Appeal from a resentencing of the Supreme Court, Monroe County
(Francis A. Affronti, J.), rendered November 24, 2009. Defendant was
resentenced upon his conviction of course of sexual conduct against a
child in the first degree.

It is hereby ORDERED that the resentencing is modified as a matter
of discretion in the interest of justice and on the law by amending
the order of protection and as modified the resentencing is affirmed,
and the matter is remitted to Supreme Court, Monroe County, for
further proceedings in accordance with the same Memorandum as in
People v Nicholson ([appeal No. 1] ___ AD3d ___ [June 20, 2014]).

All concur except CARNI and LINDLEY, JJ., who dissent and vote to
vacate the resentencing in the same dissenting Memorandum as in *People v*
Nicholson ([appeal No. 1] ___ AD3d ___ [June 20, 2014]).

Entered: June 20, 2014

Frances E. Cafarell
Clerk of the Court