

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

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KA 16-02160

PRESENT: WHALEN, P.J., SMITH, LINDLEY, DEJOSEPH, AND CURRAN, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

ORDER

ANDREW FREY, DEFENDANT-APPELLANT.

JAMES S. KERNAN, PUBLIC DEFENDER, LYONS (ROBERT TUCKER OF COUNSEL),
FOR DEFENDANT-APPELLANT.

MICHAEL CALARCO, DISTRICT ATTORNEY, LYONS (BRUCE A. ROSEKRANS OF
COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Wayne County Court (Dennis M. Kehoe, J.), rendered October 7, 2016. The judgment convicted defendant, upon his plea of guilty, of driving while intoxicated, a class D felony.

Now, upon reading and filing the stipulation of discontinuance signed by defendant on January 8, 2018 and by the attorneys for the parties on January 8 and 9, 2018,

It is hereby ORDERED that said appeal is unanimously dismissed upon stipulation.

Entered: February 2, 2018

Mark W. Bennett
Clerk of the Court