

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

1273

**KA 16-00563**

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

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

CHRISTOPHER SWICK, DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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SESSLER LAW PC, GENESEO (STEVEN D. SESSLER OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

GREGORY J. MCCAFFREY, DISTRICT ATTORNEY, GENESEO (JOSHUA J. TONRA OF  
COUNSEL), FOR RESPONDENT.

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Appeal from a judgment of the Livingston County Court (Dennis S. Cohen, J.), rendered January 21, 2016. The judgment convicted defendant, upon a jury verdict, of criminal possession of stolen property in the fourth degree (two counts) and unauthorized use of a vehicle in the third degree (two counts).

It is hereby ORDERED that the judgment so appealed from is unanimously modified on the law by reversing those parts convicting defendant of two counts of unauthorized use of a vehicle in the third degree and dismissing counts three and four of indictment No. 256, and as modified the judgment is affirmed.

Same memorandum as in *People v Swick* ([appeal No. 1] – AD3d – [Feb. 2, 2018] [4th Dept 2018]).

Entered: February 2, 2018

Mark W. Bennett  
Clerk of the Court