

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

378

KA 19-00588

PRESENT: WHALEN, P.J., CENTRA, PERADOTTO, WINSLOW, AND BANNISTER, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

VINCE M.F., DEFENDANT-APPELLANT.

ADAM H. VANBUSKIRK, AUBURN, FOR DEFENDANT-APPELLANT.

JON E. BUDELMANN, DISTRICT ATTORNEY, AUBURN (CHRISTOPHER T. VALDINA OF COUNSEL), FOR RESPONDENT.

Appeal from an adjudication of the Cayuga County Court (Thomas G. Leone, J.), rendered February 28, 2019. The adjudication revoked defendant's sentence of probation and imposed a sentence of imprisonment.

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

Memorandum: Defendant was adjudicated a youthful offender based upon his plea of guilty to sexual abuse in the first degree (Penal Law § 130.65 [3]). Defendant admitted to a first violation of probation when he was arrested for criminal possession of stolen property, and was restored to probation. Defendant then admitted to a second violation of probation for alcohol and marihuana use, and he now appeals from an adjudication that revoked his probation and sentenced him to an indeterminate term of 1½ to 4 years' imprisonment. Contrary to defendant's contention, the sentence is not unduly harsh or severe.

Entered: April 24, 2020

Mark W. Bennett
Clerk of the Court