

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

868

KA 15-00052

PRESENT: CENTRA, J.P., NEMOYER, CURRAN, WINSLOW, AND BANNISTER, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

BRIAN T. BARRETT, DEFENDANT-APPELLANT.
(APPEAL NO. 2.)

REEVE BROWN PLLC, ROCHESTER (GUY A. TALIA OF COUNSEL), FOR
DEFENDANT-APPELLANT.

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

Appeal, by permission of a Justice of the Appellate Division of the Supreme Court in the Fourth Judicial Department, from an order of the Livingston County Court (Robert B. Wiggins, J.), dated November 26, 2014. The order denied defendant's motion pursuant to CPL 440.10 to vacate a judgment of conviction.

It is hereby ORDERED that said appeal is unanimously dismissed.

Same memorandum as in *People v Barrett* ([appeal No. 1] – AD3d – [Nov. 20, 2020] [4th Dept 2020]).

Entered: November 20, 2020

Mark W. Bennett
Clerk of the Court