

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

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**KA 20-00071**

PRESENT: PERADOTTO, J.P., LINDLEY, CURRAN, WINSLOW, AND BANNISTER, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

MICHAEL J. PIASTA, JR., ALSO KNOWN AS MICHAEL  
JEROME PIASTA, JR., ALSO KNOWN AS MICHAEL PIASTA,  
ALSO KNOWN AS MICHAEL JEROME PIASTA,  
DEFENDANT-APPELLANT.  
(APPEAL NO. 2.)

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THE LEGAL AID BUREAU OF BUFFALO, INC., BUFFALO (LEAH NANCY FARWELL OF  
COUNSEL), FOR DEFENDANT-APPELLANT.

LAWRENCE FRIEDMAN, DISTRICT ATTORNEY, BATAVIA (ROBERT J. SHOEMAKER OF  
COUNSEL), FOR RESPONDENT.

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Appeal from an order of the Genesee County Court (Charles N. Zambito, J.), dated September 17, 2019. The order, among other things, determined the amount of restitution owed by defendant.

It is hereby ORDERED that the order so appealed from is unanimously reversed as a matter of discretion in the interest of justice and on the law and the matter is remitted to Genesee County Court for further proceedings in accordance with the same memorandum as in *People v Piasta* ([appeal No. 1] – AD3d – [July 1, 2022] [4th Dept 2022]).

Entered: July 1, 2022

Ann Dillon Flynn  
Clerk of the Court