

State of New York  
Supreme Court, Appellate Division  
Third Judicial Department

Decided and Entered: October 20, 2011

103343

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THE PEOPLE OF THE STATE OF  
NEW YORK,

Respondent,

v

DECISION AND ORDER  
ON MOTION

ERIC CHATHAM,

Appellant.

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Motion for reargument.

Upon the papers filed in support of the motion, and no papers having been filed in opposition thereto, and in light of defendant's pending application to the Court of Appeals for permission to appeal to the Court of Appeals and the fact that, subsequent to this Court's decision, the Court of Appeals, in People v Paulin (17 NY3d 238 [2011]), reversed the First Department in People v Pratts (74 AD3 536 [2010]), the reasoning of which this Court had adopted in its opinion (see Dreifuss v Cohen, 177 AD2d 682, 682 [1991]; Foley v Roche, 86 AD2d 887, 887 [1982], lv denied 56 NY2d 507 [1982]), it is

ORDERED that the motion for reargument is granted, without costs, and the opinion and order decided and entered June 2, 2011 is vacated and the following memorandum and order is substituted therefor.

Peters, J.P., Spain, Rose, Stein and Egan Jr., JJ., concur.

ENTER:



Robert D. Mayberger  
Clerk of the Court