

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

Decided and Entered: January 31, 2019

525782

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In the Matter of DARNELL  
BALLARD,  
Petitioner,  
v

DECISION AND ORDER  
ON MOTION

ANTHONY J. ANNUCCI,  
Acting Commissioner of  
Respondent.

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Motion for reargument or, in the alternative, for permission to appeal to the Court of Appeals.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion for reargument is granted, without costs, the memorandum and judgment decided and entered June 21, 2018 is vacated, and the attached memorandum and judgment is substituted therefor. It is further

ORDERED that the motion for permission to appeal to the Court of Appeals is denied, without costs.

Clark, J.P., Devine, Aarons and Rumsey, JJ., concur.

ENTER:



Robert D. Mayberger  
Clerk of the Court