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This memorandum is uncorrected and subject to revision before  
publication in the New York Reports.  
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No. 213 SSM 47  
The People &c.,  
Respondent,  
v.  
Christian Tabb,  
Appellant.

Robert B. Hallborg, Jr., for appellant.  
Raymond C. Herman, for respondent.

MEMORANDUM:

The order of the Appellate Division should be reversed  
and a new trial ordered.

During deliberations, the jury sent a note to the trial  
court that asked for direction on, or an explanation of, "the  
legal definition of self defense." Nothing in the record

indicates that the court informed defense counsel and the prosecutor about the contents of the note. In the absence of record proof that the trial court complied with its core responsibilities under CPL 310.30, a mode of proceedings error occurred requiring reversal (see e.g. People v Kisoan, 8 NY3d 129, 135 [2007]; People v O'Rama, 78 NY2d 270, 277 [1992]).

\* \* \* \* \*

On review of submissions pursuant to section 500.11 of the Rules, order reversed and a new trial ordered, in a memorandum. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided November 24, 2009