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This memorandum is uncorrected and subject to revision before  
publication in the New York Reports.  
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The People &c.,  
Respondent,  
v.  
Salih Sevencan,  
Appellant.

SMITH, J.:

The application for a certificate granting leave to  
appeal should be dismissed.

The 2004 Drug Law Reform Act, chapter 738 of the Laws  
of 2004, states that: "[a]n appeal in accordance with the

applicable provisions of the criminal procedure law may ... be taken as of right by the defendant from an order specifying and informing such person of the term of the determinate sentence the court would impose upon resentencing" (L 2004, ch 738, § 23). Defendant here seeks leave to appeal an Appellate Division affirmance of such an order. In People v Bautista, (7 NY3d 838 [2006]) this Court held that similar language in the 2005 Drug Law Reform Act did not permit an appeal to this Court from an Appellate Division order affirming a denial of resentencing, because the act did not make such an order appealable under Criminal Procedure Law § 450.90 or 470.60, which govern appeals to this Court. The reasoning of Bautista applies with equal force to the language at issue in this case.

\* \* \* \* \*

Application pursuant to CPL 460.20 for a certificate granting leave to appeal dismissed by Judge Smith in a memorandum. Publication authorized by the Court.

Decided May 7, 2009