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This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

No. 74 SSM 43

The People &c.,
Respondent,

v.

Dwight Furet, Also Known as Ira
Morsby,

Appellant.

Submitted by William A. Loeb, for appellant.
Submitted by Dana Poole, for respondent.

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On review of submissions pursuant to section 500.11 of the Rules,
order affirmed. The mandatory surcharge, crime victim assistance
fee and DNA databank fee need not be pronounced by the court at
sentencing (see People v Guerrero [decided today, ___ NY3d ___]).
The lower courts' determinations regarding reasonable suspicion
and probable cause, which are mixed questions of law and fact,
have support in the record and are thus beyond our further review.
Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.
Chief Judge Lippman took no part.

Decided February 19, 2009