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

No. 219 SSM 32
The People &c.,
Respondent,
v.
Willie Holmes, Jr.,
Appellant.

Submitted by Geoffrey Kaeuper, for respondent.
Submitted by Janet C. Somes, for appellant.

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On review of submissions pursuant to section 500.11 of the Rules,
order reversed and case remitted to the Appellate Division,
Fourth Department, for consideration of issues raised but not
determined on the appeal to that court (see People v Hunter, 17
NY3d 725 [2011]). Chief Judge Lippman and Judges Ciparick,
Graffeo, Read, Smith, Pigott and Jones concur.

Decided September 8, 2011