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

No. 82 SSM 36
The People &c.,
Appellant,
v.
Andrew Luciere,
Respondent.

Submitted by Thomas C. Costello, for appellant.
Submitted by Christopher J. Cassar, for respondent.

* * * * *
On review of submissions pursuant to section 500.11 of the Rules,
order affirmed (see People v Price, ___ NY3d ___ [decided
today]). Chief Judge Lippman and Judges Ciparick, Graffeo, Read,
Smith, Pigott and Jones concur.

Decided February 11, 2010