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This memorandum is uncorrected and subject to revision before  
publication in the New York Reports.  
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No. 227 SSM 46  
The People &c.,  
                  Appellant,  
                  v.  
Carlos Reyes,  
                  Respondent.

Submitted by Susan Axelrod, for appellant.  
Submitted by Heather L. Holloway, for respondent.

\* \* \* \* \*

On review of submissions pursuant to section 500.11 of the Rules, appeal dismissed upon the ground that the reversal by the Appellate Division was not "on the law alone or upon the law and such facts which, but for the determination of law, would not have led to reversal" (CPL 450.90[2][a]; see People v Howard, 74 NY2d 943 [1989]). Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided October 19, 2010