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

No. 232 SSM 53
The People of the State of New
York,
 Appellant,
 v.
Dwight Ashe,
 Respondent.

Submitted by David M. Cohn, for appellant.
Submitted by Jonathan Garelick, for respondent.

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On review of submissions pursuant to section 500.11 of the Rules,
order affirmed (see People v Zanghi, 79 NY2d 815 [1991]). Chief
Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott
and Jones concur.

Decided November 23, 2010