

**Supreme Court of the State of New York
Appellate Division : Second Judicial Department**

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WILLIAM E. McCARTHY, J.

2008-01618

DECISION & ORDER ON APPLICATION

The People, etc., plaintiff,
v Darryl Swindell, a/k/a Deshawn Smith, defendant.

(Ind. No. 4573/90)

Application by the defendant, pursuant to CPL 450.15 and 460.15 for a certificate granting leave to appeal to this court from an order of the Supreme Court, Queens County, dated October 9, 2007, which has been referred to me for determination.

Upon the papers filed in support of the application and the papers filed in opposition thereto, it is

ORDERED that the application is denied.

WILLIAM E. McCARTHY
Associate Justice

July 2, 2008

PEOPLE v SWINDELL, DARRYL, a/k/a SMITH, DESHAWN