

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

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CHERYL E. CHAMBERS, J.

2008-10251

DECISION & ORDER ON APPLICATION

The People, etc., plaintiff,
v Seandale Gutter, defendant.

(Ind. No. 90709/06)

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, Richmond County, dated October 27, 2008, 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.

CHERYL E. CHAMBERS
Associate Justice

December 17, 2008

PEOPLE v GUTTER, SEANDALE