

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

M80143
F/

JOSEPH COVELLO, J.

2008-08531

DECISION & ORDER ON APPLICATION

The People, etc., plaintiff,
v David Brescia, defendant.

(Ind. No. 1487-06)

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 County Court, Suffolk County, dated August 5, 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.

JOSEPH COVELLO
Associate Justice

December 26, 2008

PEOPLE v BRESCIA, DAVID