

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

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L/

A. GAIL PRUDENTI, P.J.

2008-09954

DECISION & ORDER ON APPLICATION

The People, etc., plaintiff,
v Dwayne Nichols, defendant.

(Ind. No. 03-00477)

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, Orange County, dated October 2, 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.

A. GAIL PRUDENTI
Justice Presiding

December 24, 2008

PEOPLE v NICHOLS, DWAYNE