

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

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FRED T. SANTUCCI, J.

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2009-02890

DECISION & ORDER ON APPLICATION

The People, etc., plaintiff,  
v James Mitchell, defendant.

(Ind. No. 1632/76)

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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, Kings County, dated March 9, 2009, 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.

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FRED T. SANTUCCI  
Associate Justice

June 11, 2009

PEOPLE v MITCHELL, JAMES