

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

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JOHN M. LEVENTHAL, J.

2009-04418

DECISION & ORDER ON APPLICATION

The People, etc., plaintiff,
v Teofilo Tavarez, defendant.

(Ind. No. 96-01295)

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, Westchester County, dated April 2, 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.

JOHN M. LEVENTHAL
Associate Justice

June 30, 2009

PEOPLE v TAVAREZ, TEOFILO