

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

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PLUMMER E. LOTT, J.

2009-03060

DECISION & ORDER ON APPLICATION

The People, etc., plaintiff,
v Mark Dail, defendant.

(Ind. Nos. 1091/07, 2311/07)

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, Nassau County, dated December 22, 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.

PLUMMER E. LOTT
Associate Justice

July 15, 2009

PEOPLE v DAIL, MARK