

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

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ANITA R. FLORIO, J.

2009-00441

DECISION & ORDER ON APPLICATION

The People, etc., plaintiff,
v Matthew Delio, defendant.

(Ind. No. 3190/95)

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, Queens County, dated October 15, 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.

ANITA R. FLORIO
Associate Justice

July 15, 2009

PEOPLE v DELIO, MATTHEW