

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

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FRED T. SANTUCCI, J.P.
DANIEL D. ANGIOLILLO
RUTH C. BALKIN
CHERYL E. CHAMBERS, JJ.

2009-03629

The People, etc., respondent,
v Todd Ruffalo, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 97- 371)

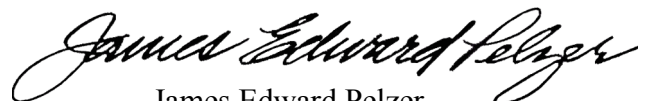
Motion by the respondent to dismiss an appeal from an order of the County Court, Westchester County, entered January 21, 2009, which denied the defendant's motion pursuant to CPL 440.10.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion is granted and the appeal is dismissed as the order is not appealable as of right (*see* CPL 450.10), and the appellant has not sought leave to appeal (*see* CPL 450.15).

SANTUCCI, J.P., ANGIOLILLO, BALKIN and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

July 29, 2009

PEOPLE v RUFFALO, TODD