

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

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STEVEN W. FISHER, J.

2009-02884

DECISION & ORDER ON APPLICATION

The People, etc., plaintiff,
v Kenneth Lumpkin, defendant.

(Ind. No. 1799/03)

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 January 6, 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.

STEVEN W. FISHER
Associate Justice

August 31, 2009

PEOPLE v LUMPKIN, KENNETH