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This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

No. 171
The People &c.,
 Appellant,
 v.
Eugene Polhill,
 Respondent.

 Donna Aldea, for appellant.
 Allegra Glashausser and Leila Hull, for respondent.
 New York Civil Liberties Union; Legal Ethics Bureau at
New York University School of Law; District Attorneys Association
of the State of New York, amici curiae.

MEMORANDUM:

 The appeal should be dismissed for failing to meet the
requisites of CPL 450.90 (2) (a).

 The Appellate Division determined that Supreme Court
should have suppressed the identification evidence because the
police lacked reasonable suspicion to stop and detain defendant

on the street. Whether the circumstances of a particular case rise to the level of reasonable suspicion presents a mixed question of law and fact (see People v Howard, 74 NY2d 943 [1989]), and the Appellate Division's determination enjoys record support. Because the Appellate Division's reversal was thus not "on the law alone or upon the law and such facts which, but for the determination of law, would not have led to reversal" (CPL 450.90 [2] [a]), its order is not appealable.

* * * * *

Appeal dismissed, in a memorandum. Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott, Rivera and Abdus-Salaam concur.

Decided October 28, 2014