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

No. 72 SSM 26
The People of the State of New
York,

 Respondent,
 v
John Gibson,

 Appellant.

Submitted by Bryan M. Racino, for appellant.
Submitted by Emilee B. Davenport, for respondent.

MEMORANDUM:

The order of the Appellate Division should be affirmed.

A determination whether exigent circumstances existed to justify the warrantless entry into the apartment involves a mixed question of law and fact. Where, as here, there exists record support for the Appellate Division's resolution of this question; the issue is beyond this Court's power of review (see

People v Brown, 95 NY2d 942 [2000], People v Hallman, 92 NY2d 840 [1998]).

We agree with the Appellate Division that defendant's remaining contentions lack merit or are unpreserved.

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On review of submissions pursuant to section 500.11 of the Rules, order affirmed, in a memorandum. Chief Judge Lippman and Judges Read, Pigott, Rivera and Abdus-Salaam concur. Judges Stein and Fahey took no part.

Decided February 17, 2015