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

No. 165 SSM 11
The People &c.,
Appellant,
v.
Carlos Palencia,
Respondent.

Submitted by Donald Berk, for appellant.
Submitted by Camille O. Russell, for respondent.

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On review of submissions pursuant to section 500.11 of the Rules
(22 NYCRR 500.11), appeal dismissed upon the ground that the
reversal by the Appellate Division was 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]). Chief
Judge DiFiore and Judges Pigott, Rivera, Abdus-Salaam, Stein,
Fahey and Garcia concur.

Decided June 23, 2016