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This memorandum is uncorrected and subject to revision before  
publication in the New York Reports.  
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1                   No.       70   SSM 41  
The People &c.,                   Respondent,  
                                  v.  
Alvaro Cumberbatch,  
                                  Appellant.

Submitted by Margaret E. Knight, for appellant.  
Submitted by Beth Fisch Cohen, for respondent.

\* \* \* \* \*

On review of submissions pursuant to section 500.11 of the Rules,  
order reversed, defendant's plea vacated and case remitted to  
Supreme Court, New York County, for further proceedings on the  
indictment (see People v Louree, 8 NY3d 541 [2007]). Chief Judge  
Kaye and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones  
concur.

Decided February 7, 2008