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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. 173

The People &c.,
Respondent,
v.
Roberto Castellano, Also Known as Roberto Castelan,
Appellant.

Matthew J. Shepherd, for appellant.
Mary Jo Blanchard, for respondent.

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Order affirmed. Defendant's argument that the evidence presented at trial was insufficient to support his conviction for depraved indifference murder is unpreserved for this Court's review (see, People v Hawkins, ____ NY3d ___ [decided today]). Chief Judge Kaye and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided November 25, 2008