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

1 No. 201 SSM 32
The People &c., Appellant,
 v.
Menashe Shemesh, Respondent.

Submitted by Frank Glaser, for appellant.
Submitted by Arnold J. Levine, for respondent.

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On review of submissions pursuant to section 500.11 of the Rules,
order affirmed. There is record support for the finding below
that the District Attorney failed to accord the defendant
reasonable time to exercise his right to appear as a witness
before the Grand Jury. Chief Judge Kaye and Judges Ciparick,
Graffeo, Read, Smith, Pigott and Jones concur.

Decided September 16, 2008