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publication in the New York Reports.

No. 120 SSM 5
The People &c.,
Respondent,
v.
Anthony Romero,
Also Known as Robert Rosa,
Appellant.

Submitted by Patricia Pazner, for appellant.
Submitted by John M. Castellano, for respondent.

MEMORANDUM:

The order of the Appellate Division should be affirmed. Defendant's pre-Miranda statement, while in custody, in response to a detective's question regarding whether he would like to make a statement should have been suppressed. However, the error in

failing to suppress the statement was harmless beyond a reasonable doubt in light of the overwhelming evidence against defendant and there being no reasonable possibility that his statement contributed to the verdict (see *People v Rivera*, 57 NY2d 453, 456 [1982]). Additionally, there is record support for Supreme Court's decision to deny defendant's motion to suppress the showup identification (see *People v Clark*, 85 NY2d 886 [1995]), and that decision is beyond our further review.

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On review of submissions pursuant to section 500.11 of the Rules, order affirmed, in a memorandum. Chief Judge DiFiore and Judges Pigott, Rivera, Abdus-Salaam, Stein, Fahey and Garcia concur.

Decided April 28, 2016