

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D17545
M/nl

_____AD3d_____

Argued - October 4, 2007

REINALDO E. RIVERA, J.P.
GABRIEL M. KRAUSMAN
ANITA R. FLORIO
MARK C. DILLON, JJ.

2006-09042
2007-01292

DECISION & ORDER

The People, etc., respondent,
v Martin Tankleff, appellant.

(Ind. Nos. 1290/88, 1535/88)

Baker Botts LLP, Washington, D.C. (Stephen L. Braga, Courtney G. Saleski, and Sheila Kadagathur of counsel), Wilmer Cutler Pickering Hale and Dorr LLP, Washington, D.C. (Jennifer M. O'Connor and Brent Gurney of counsel), Kelley Drye & Warren, LLP, Washington, D.C. (Barry J. Pollack and Dawn E. Murphy-Johnson of counsel), Law Offices of Bruce A. Barket, P.C., Garden City, N.Y., Clifford Chance US LLP, New York, N.Y. (Warren Feldman and Scott J. Splittgerber of counsel), and Paul, Weiss, Rifkind, Wharton & Garrison LLP, New York, N.Y. (Mark F. Pomerantz of counsel), for appellant (one brief filed).

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Leonard Lato of counsel), for respondent.

Appeals by the defendant, by permission, from two orders of the County Court, Suffolk County (Braslow, J.), dated April 27, 2006, and January 3, 2007, respectively, which denied, without a hearing, his motions pursuant to CPL 440.10(1)(g) to vacate two judgments of the same court (Tisch, J.), both rendered October 23, 1990, convicting him of murder in the second degree (two counts; one count as to each indictment), upon jury verdicts, and imposing sentences.

ORDERED that the appeals are dismissed as academic in light of our determination

December 18, 2007

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of the appeal from an order of the same court dated March 17, 2006, denying, after a hearing, the defendant's motion pursuant to CPL 440.10(1)(g) and (h) to vacate the judgments (*see People v Tankleff*, _____AD3d_____ [Appellate Division Docket No. 2006-03617, decided herewith]).

RIVERA, J.P., KRAUSMAN, FLORIO and DILLON, JJ., concur.

ENTER:

A handwritten signature in cursive script that reads "James Edward Pelzer".

James Edward Pelzer
Clerk of the Court