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This memorandum is uncorrected and subject to revision before  
publication in the New York Reports.  
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No. 85 SSM 31  
The People &c.,  
Appellant,  
v.  
Mark Russell,  
Respondent.

Submitted by Peter D. Coddington, for appellant.  
Submitted by James L. Koenig, for respondent.

\* \* \* \* \*

On review of submissions pursuant to section 500.11 of the Rules,  
appeal dismissed upon the ground that the reversal by the  
Appellate Division was not "on the law alone or upon the law and  
such facts which, but for the determination of law, would not  
have led to reversal" (CPL 450.90[2][a]).

Decided January 16, 2014