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

No. 235 SSM 39
The People &c.,
Appellant,
v.
Vincent Torres,
Respondent.
(Appeal No. 1)

The People &c.,
Appellant,
v.
Vincent Torres,
Respondent.
(Appeal No. 2)

Submitted by Victoria M. White, for appellant.
Submitted by J. Scott Porter, for respondent.

MEMORANDUM:

The orders of the Appellate Division should be
affirmed.

Defendant adequately preserved the argument that the
exclusion of his wife from the courtroom violated his right to a

public trial (see People v Alvarez, _NY3d_, 2012 NY Slip Op 07227, at *4 [2012]; see also People v Caban, 14 NY3d 369, 373 [2010]). The closure of the courtroom during jury selection was not trivial (see People v Martin, 16 NY3d 607, 613 [2011]).

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On review of submissions pursuant to section 500.11 of the Rules, orders affirmed, in a memorandum. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith and Pigott concur.

Decided November 20, 2012