



to satisfy the step-one burden (see People v Smocum, 99 NY2d 418, 421-422 [2003]), "sketchy assertions" and declarations that the prospective juror "indicated no reason why [the juror] could not serve fairly" are, standing alone, generally insufficient to establish a prima facie case of discrimination (People v Childress, 81 NY2d 263, 267-268 [1993] [internal quotation omitted]). Defense counsel's contentions that the prosecutor's peremptory challenge of an African-American prospective juror must have been based on her race because the challenged juror's answers were "neutral" and "would not give [the prosecutor] any reason to believe that she could [not] be impartial" are exactly the kind of vague and conclusory assertions this Court rejected in Childress.

Finally, the hearing court's determination that the police possessed founded suspicion of criminality justifying a common law inquiry, a mixed question of law and fact, is supported by the record (People v Battaglia, 86 NY2d 755, 756 [1995]). Accordingly, this Court's review process is exhausted.

\* \* \* \* \*

Order affirmed, in a memorandum. Chief Judge Kaye and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided October 28, 2008