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This memorandum is uncorrected and subject to revision before  
publication in the New York Reports.  
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No. 210 SSM 20  
The People &c.,  
Respondent,  
v.  
Danny Martin,  
Appellant.

Submitted by Mei Lin Kwan-Gett, for appellant.  
Submitted by Jared Wolkowitz, for respondent.

MEMORANDUM:

The order of the Appellate Division should be affirmed  
(see People v De Bour, 40 NY2d 210 [1976]). Whether Detective  
Barnes had a founded suspicion to approach defendant, or probable  
cause to arrest him involve mixed questions of law and fact,  
beyond our review if the determination is supported by the  
record. Because such record evidence exists here, the issues are  
beyond further review by this Court.

\* \* \* \* \*

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

Decided June 26, 2012