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

No. 254 SSM 26
The People &c.,
Respondent,
v.
Quentin A. Sims,
Appellant.

Submitted by Robert L. Kemp, for appellant.
Submitted by Nicholas T. Texido, for respondent.

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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]). Chief Judge Lippman
and Judges Graffeo, Read, Smith, Pigott, Rivera and Abdus-Salaam
concur.

Decided November 26, 2013