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publication in the New York Reports.

No. 217 SSM 19
The People &c., Respondent,
v.
James M. Roshia, Jr. Appellant.

Submitted by Albert F. Lawrence, for appellant.
Submitted by Alexander Lesyk, Esq., for respondent.

MEMORANDUM:

The order of the Appellate Division should be affirmed. Defendant was indicted by a grand jury, a sexual assault evidence kit was taken from the victim, and County Court's order directing defendant to provide a DNA sample was authorized by statute (CPL 240.40[2][b][v]). Accordingly, County Court did not err in

granting the People's application directing defendant to provide a buccal swab for testing.

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On review of submissions pursuant to section 500.11 of the Rules, order affirmed, in a memorandum. Chief Judge DiFiore and Judges Pigott, Rivera, Abdus-Salaam, Stein, Fahey and Garcia concur.

Decided October 20, 2016