

State of New York Court of Appeals

MEMORANDUM

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

No. 101
The People &c.,
Respondent,
v.
Ramee McCullum,
Appellant.

Benjamin S. Litman, for appellant.
Solomon Neubort, for respondent.
The Community Development Project of the Urban Justice Center, et al., amici curiae.

MEMORANDUM:

The order of the Appellate Division should be affirmed. As defendant concedes, he failed to preserve the only argument that he now raises on appeal—namely, his standing to challenge the police search of his property on the ground that he retained a reasonable

expectation of privacy as a bailor following the New York City Marshal's legal possession of the apartment where he resided. On the facts of this case, we reject defendant's contention that an exception to the preservation rule applies. Accordingly, no question of law is presented for our review (see CPL 470.05 [2]; People v Wallace, 27 NY3d 1037, 1038 [2016]).

* * * * *

Order affirmed, in a memorandum. Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

Decided December 17, 2019