

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COURT OF APPEALS

STATE OF NEW YORK

PEOPLE,

Appellant,

-against-

NO. 25

YERMIA SOLOMON,

Respondent.

20 Eagle Street
Albany, New York
March 15, 2023

Before:

ACTING CHIEF JUDGE ANTHONY CANNATARO
ASSOCIATE JUDGE JENNY RIVERA
ASSOCIATE JUDGE MICHAEL J. GARCIA
ASSOCIATE JUDGE ROWAN D. WILSON
ASSOCIATE JUDGE MADELINE SINGAS
ASSOCIATE JUDGE SHIRLEY TROUTMAN

Appearances:

DANIELLE BLACKABY
SULLIVAN COUNTY DISTRICT ATTORNEY'S OFFICE
Attorney for Appellant
26 Hamilton Avenue
Monticello, NY 12701

NATHANIEL Z. MARMUR
NATHANIEL Z. MARMUR, PLLC
Attorney for Respondent
500 Fifth Avenue
40th Floor
New York, NY 10110

Melissa Key
Official Court Transcriber



1 ACTING CHIEF JUDGE CANNATARO: Our next appeal is
2 number 25, People v. Solomon.

3 MS. BLACKABY: Good afternoon, Your Honors.
4 Danielle Blackaby, Sullivan County Assistant District
5 Attorney for the People of the State of New York.

6 A birthdate is just a date. It is not a
7 jurisdictional defect. This appeal has been moot since
8 three months and two weeks after it was perfected. There
9 are two categories of issues with indictment and SCIs fall
10 into either jurisdictional and nonjurisdictional
11 categories.

12 JUDGE GARCIA: Counsel, this - - - this case
13 baffles me a little bit. So do you think that the
14 indictment - - - this case is indicted, and there's the
15 superior court information filed while that indictment is
16 live. Is that an error?

17 MS. BLACKABY: I think it depends on the
18 supporting deposition that was attached to the initial
19 misdemeanor complaint for endangering the welfare of a
20 child. If that deposition included statements regarding
21 oral sexual conduct, then it would have been proper because
22 it was properly joinable with the existing indictment.

23 JUDGE SINGAS: Didn't you concede error below in
24 county court? You said the waiver procedure may not have
25 been procedurally proper and admitted that there was an



1 infirmity with the SCI?

2 MS. BLACKABY: I - - - I was not the - - -
3 specifically that ADA - - -

4 JUDGE SINGAS: I understand.

5 MS. BLACKABY: I think when you're trying to make
6 an argument on the spot in court versus having the ability
7 to go and look and find the document. We had to dig in the
8 basement for the box that had the underlying misdemeanor
9 complaint.

10 JUDGE SINGAS: So you're saying now that that was
11 an error, joining the SCI with the indictment?

12 MS. BLACKABY: I'm saying that it could have not
13 been an error. Unfortunately, the documents were not
14 included in the - - -

15 JUDGE TROUTMAN: Could have not been? Either it
16 is or it isn't. Was it permissible? Normally, you follow
17 the criminal procedure law. If it - - - if the case starts
18 in the local criminal court - - -

19 MS. BLACKABY: Uh-huh.

20 JUDGE TROUTMAN: - - - if they're felonies, you
21 have a felony hearing. It's held. If there's no desire to
22 have one, you dismiss. You go straight to the grand jury.
23 But after a case is indicted, you plead to the indictment.
24 Before, you could go to special-term judge, and use an SCI.
25 This case is kind of strange. What happened?



1 MS. BLACKABY: You know, I'm not really sure why
2 they didn't simply take a plea to the lesser-included
3 offense. That would have been - - - basically, everything
4 that was said on the record would have been the same
5 record. It would have been the same plea. It would have
6 been the same facts. Not - - -

7 JUDGE GARCIA: Let's say we conclude it was an
8 error on this record.

9 MS. BLACKABY: Uh-huh.

10 JUDGE GARCIA: What do we do with the indictment?

11 MS. BLACKABY: I think the indictment is valid as
12 amended.

13 JUDGE GARCIA: The Appellate Division said it
14 wasn't validly amended, but they don't seem to have ordered
15 any remedial action after that finding.

16 MS. BLACKABY: Right.

17 JUDGE GARCIA: So what would we do?

18 MS. BLACKABY: So I think if - - - specifically
19 what would we do if the SCI was - - -

20 JUDGE GARCIA: Right.

21 MS. BLACKABY: - - - improper? Okay.

22 JUDGE GARCIA: And now, we're looking at the
23 indictment, right?

24 MS. BLACKABY: So if the SCI - - -

25 JUDGE GARCIA: What do we do with that?



1 MS. BLACKABY: - - - is invalid and should be
2 done away with, then it's - - - you know, we're left with
3 what happened to the underlying felony indictment? And
4 here, the question is actually the same as to the
5 indictment versus the SCI as it was - - -

6 JUDGE GARCIA: Can we - - -

7 MS. BLACKABY: Uh-huh.

8 JUDGE GARCIA: - - - even reach that? Because
9 the Appellate Division doesn't seem to have done anything
10 with it other than it almost is dicta, right? They've
11 decided it, but they didn't order the indictment dismissed.

12 MS. BLACKABY: Right. And it - - - it is
13 slightly confusing. I think myself and opposing counsel
14 probably have different views on what still exists as a
15 valid indictment in the lower court, and it's our position
16 that it was when the Third Department reversed - - - or
17 well, reversed the SCI - - -

18 JUDGE GARCIA: Uh-huh.

19 MS. BLACKABY: - - - and sent it back, the case
20 reverts to what was present immediately before the SCI was
21 initiated. So you would have the indictment as amended
22 because that's how it separated out before it's all put
23 together, and the SCI is signed. And so the question
24 becomes whether the issue with the underlying indictment
25 was properly raised by appellant - - - well, respondent in

1 his response brief in the Court of Appeals, or if it should
2 have been raised below, or raised as an ineffective
3 assistance of counsel claim.

4 But the - - - the actual analysis about that
5 document is the same as it is for the SCI about whether the
6 issue is a jurisdictional or a nonjurisdictional question.
7 And it's the People's position that the birthdate here is
8 one of the less fundamental flaws. It's not a
9 jurisdictional issue. We were permitted - - - properly
10 permitted to amend because the victim in this case is not
11 identified in one manner. She's identified in three
12 separate ways.

13 In - - - specifically, in the indictment, she's
14 identified as the person known to the grand jury. She's
15 identified as less than seventeen, and we give the wrong
16 birthdate, which is a typographical error, which in this
17 case, is slightly more relevant than any other
18 typographical error might have been in a different case.

19 JUDGE SINGAS: You're - - - so you're making an
20 argument now as to the amendment of the indictment, or are
21 you somehow trying to connect that indictment to the SCI
22 combination indictment error?

23 MS. BLACKABY: So it - - - it - - - because it's
24 the same error, and because under the CPL, both indictments
25 and SCIs are treated the same, the amendment is in our view



1 correct whether we're talking about the SCI or the
2 underlying indictment.

3 JUDGE RIVERA: Are - - - are you saying it's
4 supposed to be treated as one instrument under the CPL
5 because of the consolidation - - -

6 MS. BLACKABY: No. No. No.

7 JUDGE RIVERA: - - - or are you saying we still
8 look at it as two separate - - -

9 MS. BLACKABY: So it - - - it's - - - it's two
10 separate questions.

11 JUDGE RIVERA: Or two separate instruments, two
12 separate - - -

13 MS. BLACKABY: Yeah. They are - - - they are two
14 separate documents. It's just that - - -

15 JUDGE RIVERA: Even though they were consolidated
16 - - -

17 MS. BLACKABY: Right.

18 JUDGE RIVERA: - - - for purposes of the plea?

19 MS. BLACKABY: So once - - - but if the SCI is
20 been properly reversed, then we take - - - the SCI is out.
21 It's - - - it's been dismissed, and so what's left is the
22 indictment as - - -

23 JUDGE RIVERA: Your position is it should not
24 have been, correct? Isn't your position that the SCI is
25 not jurisdictionally defective?



1 MS. BLACKABY: Yes. We - - - we - - - yes. Both
2 that the indictment is jurisdictionally okay, and that the
3 SCI was jurisdictionally okay because there are the three
4 different ways that she is identified, specifically by
5 name. We know who this person was.

6 JUDGE TROUTMAN: But if the SCI is not valid, you
7 - - - is it your argument that the indictment could still
8 survive because that's a typographical error? Is that what
9 you're arguing?

10 MS. BLACKABY: Yes. Yes. That - - - that
11 regardless of the outcome for the SCI, it's the People's
12 position that there is a valid indictment charging five
13 felonies.

14 JUDGE GARCIA: And the Appellate Division
15 disagreed with you.

16 MS. BLACKABY: Yes.

17 JUDGE GARCIA: But they didn't do anything with
18 that.

19 MS. BLACKABY: Correct.

20 JUDGE GARCIA: So I don't understand how you're
21 able to appeal that to us because you're not aggrieved by
22 the Appellate Division order.

23 MS. BLACKABY: So we're aggrieved by the remand
24 of the SCI. The People were asked by respondent to offer a
25 plea. We reconsidered our position. We were ready for

1 trial. This was the Friday before trial was to begin on
2 Monday. We offered him a plea. He waived appeal.
3 Everybody - - - these documents were considered until 7
4 o'clock at night the day - - - on that Friday. We had him,
5 the defendant, execute a statement admitting to the
6 felonies so that we would hold this open because we were so
7 unsure that he would actually take this plea.

8 And it's our position that everything he's done
9 since is in derogation of that plea. He's effectively
10 attempting to walk out on his plea. And that's where the
11 People are injured is that we expected finality. I was - -
12 - uh-huh.

13 JUDGE GARCIA: I understand your view of that
14 process, but my problem's more localized with the Appellate
15 Division.

16 MS. BLACKABY: Sure.

17 JUDGE GARCIA: So you have a ruling with the - -
18 - in the Appellate Division - - -

19 MS. BLACKABY: Uh-huh.

20 JUDGE GARCIA: - - - that says this indictment
21 was improperly amended, but they don't dismiss the
22 indictment, so I'm not sure what you're appealing to this
23 court.

24 MS. BLACKABY: Oh, so we're simply appealing
25 their decision on the SCI. That's where our primary injury



1 is. We have - - - we have remedies below if it's
2 necessary, but we think they were incorrect.

3 JUDGE GARCIA: Let's say we disagree with you on
4 that.

5 MS. BLACKABY: Uh-huh.

6 JUDGE GARCIA: What happens?

7 MS. BLACKABY: If you disagree with me that we
8 were injured by - - -

9 JUDGE GARCIA: No. If I disagree - - - if - - -
10 if the court were to disagree that - - -

11 MS. BLACKABY: Uh-huh.

12 JUDGE GARCIA: - - - that you - - - this SCI is
13 proper for whatever reason.

14 MS. BLACKABY: Uh-huh.

15 JUDGE GARCIA: So the SCI, as you say, is out.

16 MS. BLACKABY: Okay.

17 JUDGE GARCIA: What happens to the indictment?

18 MS. BLACKABY: I think the indictment is still
19 valid because the - - - the remedy for a reversal in the
20 Third Department is that it goes back to the status before
21 the document was entered.

22 ACTING CHIEF JUDGE CANNATARO: So - - - so what's
23 the aggrievement again? Because I - - - if - - - if the
24 indictment survives the reversal of the SCI, you said, I
25 think, just a moment ago, you still have options available



1 to you.

2 MS. BLACKABY: We - - - we do have options. So
3 the - - - it's - - - we expected this to be over when we
4 gave him - - - gave the defendant the SCI, and what the
5 Appellate Division did was to say no. The SCI is not
6 valid. Now you go back and have a - - - an indictment, and
7 you start all over again.

8 JUDGE GARCIA: But they said the indictment was
9 improperly amended.

10 MS. BLACKABY: Uh-huh.

11 JUDGE GARCIA: Let's assume we agreed the SCI is
12 improper.

13 MS. BLACKABY: Uh-huh.

14 JUDGE GARCIA: It has to be tossed out, so where
15 are you when you go back with respect to an indictment that
16 the Appellate Division has found was improperly amended,
17 but we can't reach?

18 MS. BLACKABY: Okay. I think I get where we're -
19 - - trying to - - - so the - - - if - - - the Third
20 Department's functionally dicta because they didn't - - -
21 there was no remedy there. There was no decision as to go
22 back is accurate, then the defendant was never in jeopardy,
23 and the People have the ability to represent to the grand
24 jury. And he would be, again, or then for the first time
25 charged with five felonies and a misdemeanor.



1 ACTING CHIEF JUDGE CANNATARO: Thank you,
2 Counsel.

3 MS. BLACKABY: Thank you.

4 MR. MARMUR: Good afternoon, Your Honors. May it
5 please the court. Nathaniel Marmur for defendant
6 respondent.

7 I'd like to take Judge Garcia's questions because
8 I think they're - - - they really go to the heart of what,
9 I think, the court needs to do here and how to - - - how to
10 sort of think about this case. And I'll just - - -
11 briefly, there are sort of two, I'll call them merits
12 issues, right? One is the post-indictment SCI, which it is
13 improper for a host of reasons. It's - - - it's done off a
14 misdemeanor, and not being held for grand jury action on
15 that misdemeanor. It's not extant when he supposedly
16 waives, but let's put that aside. They've somewhat
17 conceded that.

18 Then we have the other issue, which was the focus
19 of the Third Department, which was whether the, they call
20 it typographical error. We think it's much more. Just so
21 the court's aware of what happened, it's not just a
22 typographical error. They actually switched the dates of
23 the two girls who were in - - - the females, I should say -
24 - - sorry - - - who were in the grand jury, one of whom he
25 had a relationship with. And they've repeated that several

1 times.

2 They did it in the indictment. They did in the
3 bill of particulars.

4 JUDGE GARCIA: So - - - and I understand your
5 view on - - -

6 MR. MARMUR: Okay.

7 JUDGE GARCIA: - - - on the improper amendment,
8 which as I read it, the Appellate Division agreed with you
9 on, but ordered no remedy.

10 MR. MARMUR: So let me - - - yeah. I'm sorry.

11 JUDGE GARCIA: So what do we do with that?

12 MR. MARMUR: Okay.

13 JUDGE GARCIA: Assume we agree on the SCI.

14 MR. MARMUR: Okay. So this is how I - - - I
15 would like to see it go, and what I think the court can do.
16 The validity of the amendment is not before the court.
17 Okay. There was no adverse ruling. We - - - we call it
18 dicta, whatever. That was not the declaration. That was
19 not the decretal paragraph of the Third Department. The
20 Third Department said we vacate the plea and remand.

21 The People, in their brief, do not ask for any
22 remedy with respect to the - - - the amendment. Their
23 brief, and just reading their point heading, they deal with
24 the fact of whether the SCI was jurisdictionally defective
25 or not.



1 The path of least resistance, and what I think is
2 really the only one that's - - - that's consistent with
3 what the court's jurisdictional obligation here is to
4 decide what I think is the easy and somewhat conceded
5 issue, which is the fact that this SCI could not have been
6 filed at the time it did in the manner in which it was,
7 putting aside whatever significant problems there was with
8 this to wit clause. And - - - and I think the court knows
9 the - - - our arguments on that.

10 And the rest, the court should not stray further
11 than that because I think there, you're getting into some
12 jurisdictionally - - -

13 JUDGE GARCIA: Should we send it back to the
14 Appellate Division?

15 MR. MARMUR: Well, if you're - - - no. Because
16 if you're - - - you're affirming - - - the only issue on
17 appeal here is should the plea be vacated. That's what the
18 People sought leave on, or the court took leave on. The
19 manner in which you do it, I think, is the easiest way to
20 do it is the - - -

21 JUDGE TROUTMAN: So are you saying what happens
22 in the future is if the People do as it was suggested by
23 your opponent - - -

24 MR. MARMUR: Uh-huh.

25 JUDGE TROUTMAN: - - - and they could file



1 charges again, that's left for another day?

2 MR. MARMUR: Well, they're - - - they're in the
3 lower court. They're - - - have an indictment. They do
4 have what we'll call a strong advisory opinion by the Third
5 Department if you want to put it that way. I - - - I'm - -
6 - we're all trying to characterize it fairly. But that's -
7 - - that is what would happen here to be candid, but I
8 don't know that the court has another way of getting to it
9 - - -

10 JUDGE TROUTMAN: Okay.

11 MR. MARMUR: - - - without - - -

12 JUDGE GARCIA: Thanks. So then that view would
13 be then the People proceed at their peril if they try to
14 move forward on the original indictment, or they can do
15 something else.

16 MR. MARMUR: I - - - I think peril's a strong
17 word, a good word. The problem's - - - and I know we're
18 not going to get too far into the merits here because I
19 think you have the issue, but it's the - - - so problematic
20 what happened here with this indictment and the way they
21 attempted to amend it that the People, if they truly want
22 to go forward with this case, which is obviously their
23 prerogative, they should go back to the grand jury and
24 present it correctly.

25 JUDGE WILSON: Is that clear that the rule from



1 Boston applies to a plea to a misdemeanor? Because Boston
2 applied to felonies, and the rationale behind it was your
3 right to have felony - - -

4 MR. MARMUR: Uh-huh.

5 JUDGE WILSON: - - - to - - - to be - - - have an
6 indictment in front of the grand jury. But for the
7 misdemeanor, you wouldn't have that, so - - -

8 MR. MARMUR: The - - - the SCI stems from the
9 Article 1, Section 6 of the Constitution, which speaks to
10 the right to be indicted by a grand jury or to have a
11 superior court information filed, and that you have to - -
12 - it has to be extant at the time that you - - - that
13 you're there. And I'm not - - - maybe I'm not answering
14 your questions. You're asking more specifically, can it be
15 done on a misdemeanor?

16 JUDGE WILSON: Yeah. What I'm asking is that the
17 rationale that - - - that's expressed in Boston really
18 turns on the fact that for felonies, you have a right to
19 have the charges presented to a grand jury, right? And
20 that's what's being protected, I think, by the rule in
21 Boston. But where the - - - where the plea, let's say,
22 here is just to a misdemeanor, it's not clear that Boston
23 would foreclose a holding that said because that
24 constitutional right is not at play with regard to a
25 misdemeanor, this process that - - - that you have to



1 follow for a felony, you don't have to follow for a
2 misdemeanor.

3 MR. MARMUR: Well, the - - - the process is still
4 set forth in the criminal procedure law. There may be a
5 policy that Your Honor is getting to, but quite frankly,
6 you could just plea to a misdemeanor complaint. You don't
7 need to do a superior court information to plea to that,
8 and if you look at this court's cases in D'Amico, Trueluck,
9 every single one, they all say the exact same thing, which
10 is a superior court information happens when you waive to -
11 - - when you are being held on a felony complaint. That's
12 - - - I mean, anybody who just does this knows that if
13 you're going to try to get around that, you've got to go
14 back. You've got to arrest them on the new felony
15 complaint, and bring them in. And - - - and - - -

16 JUDGE WILSON: There was a misdemeanor complaint
17 originally, though.

18 MR. MARMUR: There was a misdemeanor complaint
19 originally. He was not held for grand jury action on that
20 because it was a misdemeanor complaint. We don't know
21 whether it was presented to the grand jury. It certainly
22 wasn't voted out by the grand jury. He was certainly not
23 being held on it at the time that he waived, and quite
24 frankly, if - - - if we look at the - - - page 828 of the
25 record, that's not actually what he was waiving indictment



1 on. He was waiving indictment on a count that was already
2 in the indictment. He was not waiving as to the
3 misdemeanor complaint. And that's at 828.

4 So again, I think for that part of this, it's
5 very simple, and I think given the complexities of this
6 case I think the simplest way, quite frankly, is for the
7 court to just say this is - - - we can't do this. I would
8 invite a memorandum.

9 JUDGE RIVERA: That they can't do what? Can't do
10 what?

11 MR. MARMUR: You can't - - - sorry. The this in
12 that sentence was - - -

13 JUDGE RIVERA: Yes.

14 MR. MARMUR: - - - have an SCI after an
15 indictment, and whatever holes that they're trying to poke
16 in this, they just don't - - -

17 JUDGE RIVERA: Uh-huh.

18 MR. MARMUR: - - - it just doesn't fit.

19 JUDGE RIVERA: Okay. So let me ask you about the
20 date of birth thing. Why - - - why isn't that - - -

21 MR. MARMUR: Uh-huh.

22 JUDGE RIVERA: - - - given that there's already a
23 statement the victim is not seventeen years old, not
24 seventeen. Why isn't that superfluous and doesn't render
25 it defective?

1 MR. MARMUR: Because under - - - under the - - -
2 the criminal procedure law - - -

3 JUDGE RIVERA: Uh-huh.

4 MR. MARMUR: - - - and as this court says
5 repeatedly in Iannone and all those cases, and indictment
6 is jurisdictionally defective if the facts that it does
7 state - - -

8 JUDGE RIVERA: Uh-huh.

9 MR. MARMUR: - - - do not make out a crime, and
10 that's the - - -

11 JUDGE RIVERA: There are some facts that do. Is
12 - - - is - - - is your rule that if there are facts that do
13 - - -

14 MR. MARMUR: Uh-huh.

15 JUDGE RIVERA: - - - and facts that don't, that
16 clash renders it defective?

17 MR. MARMUR: Well, what this court said in
18 Randall was when there is that inconsistency, it's the
19 factual because those are the more specific parts of it,
20 that will control, and that's what the - - - the lower
21 courts have done. They've had these - - - they would call
22 these limine cases.

23 JUDGE RIVERA: But what does that mean when you
24 have two facts - - -

25 MR. MARMUR: Well, if you say - - -



1 JUDGE RIVERA: - - - that are in - - - go ahead.

2 MR. MARMUR: Well, take for example, if you - - -
3 if you had a - - - an account that said he possessed a
4 firearm, to wit, on a certain day he had, and opened, and
5 showed a switchblade - - -

6 JUDGE RIVERA: Yes.

7 MR. MARMUR: - - - we would think that the
8 defendant was - - - was not guilty of that crime because
9 the facts negate the charge. And that's what's coming out
10 of the grand jury.

11 JUDGE RIVERA: Uh-huh.

12 MR. MARMUR: So the grand jury is indicting him
13 for something that was not a crime, notwithstanding that
14 they recited the statute or the elements. The specific
15 facts that they're saying are not a crime.

16 JUDGE RIVERA: But you're saying that - - - that
17 the statement the victim is under seventeen years old is
18 not a factual statement?

19 MR. MARMUR: The - - - the statement that she - -
20 - well, the - - - the statement that she was born on a
21 given day - - -

22 JUDGE RIVERA: No. No. That's a factual
23 statement.

24 MR. MARMUR: Okay.

25 JUDGE RIVERA: I don't disagree with that. The



1 other - - - there's two statements, right?

2 MR. MARMUR: Right.

3 JUDGE RIVERA: That's the problem. We've got two
4 statements.

5 MR. MARMUR: That's it.

6 JUDGE RIVERA: If we only had the date of birth
7 statement, this would be a very easy case.

8 MR. MARMUR: I - - - I - - - I understand.

9 JUDGE RIVERA: Right?

10 MR. MARMUR: The - - - I think what we're - - -
11 the - - - the better way for me to phrase it then is how
12 the court uses the terms, which is the accusatory part, and
13 that's what I should have said earlier. The accusatory
14 portion of the indictment is considered to be the - - - the
15 statutory citation and the recitation of the elements. And
16 then the factual portion, and that - - - I should have said
17 that before. That's what really trumps, and that's what
18 Randall says.

19 JUDGE TROUTMAN: If the birth certificate were
20 presented to the grand jury, and was part of the record,
21 does that make a difference?

22 MR. MARMUR: Well, I - - - I think the judge here
23 did look behind the grand jury minutes and found that. So
24 I'm not going to say that that wasn't there. But that - -
25 - that doesn't matter. It's what the grand jury voted out,



1 and they - - - I mean, and again, this wasn't - - - and I'm
2 not sure this would've made a huge difference, but it
3 wasn't as if a - - - a one was changed to a two. They
4 actually switched the birth dates of two separate females
5 in the grand jury.

6 JUDGE RIVERA: So - - - so if they didn't include
7 the date of birth, it would've been sufficient?

8 MR. MARMUR: Sure.

9 JUDGE RIVERA: Not a problem.

10 MR. MARMUR: I mean, that's a - - - that's a
11 straightforward indictment. Right? That - - - that's not
12 a problem.

13 ACTING CHIEF JUDGE CANNATARO: Thank you,
14 Counsel.

15 MR. MARMUR: I see that my time is up. Thank
16 you.

17 (Court is adjourned)

18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T I O N

I, Melissa Key, certify that the foregoing transcript of proceedings in the Court of Appeals of People v. Yermia Solomon, No. 25 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Signature: 

Agency Name: eScribers

Address of Agency: 7227 North 16th Street
Suite 207
Phoenix, AZ 85020

Date: March 23, 2023

