

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D57335
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_____AD3d_____

Argued - June 7, 2018

REINALDO E. RIVERA, J.P.
CHERYL E. CHAMBERS
COLLEEN D. DUFFY
ANGELA G. IANNACCI, JJ.

2016-02144

DECISION & ORDER

The People, etc., respondent,
v Raymond Epps, appellant.

(Ind. No. 1973/11)

Paul Skip Laisure, New York, NY (Samuel Brown and Cynthia Colt of counsel), for appellant.

Richard A. Brown, District Attorney, Kew Gardens, NY (John M. Castellano, Johnnette Traill, and Eric C. Washer of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Gregory L. Lasak, J.), rendered February 16, 2016, convicting him of murder in the second degree (two counts), robbery in the first degree, criminal possession of stolen property in the fourth degree (two counts), and grand larceny in the fourth degree (two counts), upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant failed to preserve for appellate review his contention that the Supreme Court improperly permitted a detective, who was not a witness to the crimes in question, to testify that, in his opinion, the person depicted in a surveillance video with the victim was the defendant (*see* CPL 470.05[2]; *People v Alleyne*, 114 AD3d 804, 804; *People v Ray*, 100 AD3d 933, 933). Similarly, the defendant failed to preserve his contention that he was improperly sentenced as a second violent felony offender (*see* CPL 470.05[2]; *People v Samms*, 95 NY2d 52, 57; *People v Taylor*, 132 AD3d 915). We decline to reach these issues in the exercise of our interest of justice jurisdiction.

November 21, 2018

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Contrary to the defendant's contention, he was not deprived of the effective assistance of counsel (*see People v Caban*, 5 NY3d 143, 152; *People v Benevento*, 91 NY2d 708, 714; *People v Baldi*, 54 NY2d 137, 140).

RIVERA, J.P., CHAMBERS, DUFFY and IANNACCI, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court