

State of New York Court of Appeals

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

No. 88 SSM 5
The People &c.,
Appellant,
v.
Daria N. Epakchi,
Respondent.

Submitted by Justin W. Smiloff, for appellant.
Submitted by David A. Day, for respondent.

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On review of submissions pursuant to section 500.11 of the Rules, order reversed, and case remitted to the Appellate Term, Second Department, Ninth and Tenth Judicial Districts, for further proceedings. Because the case originated in a local criminal court and the proceedings were not transcribed by a court stenographer, the appeal was not properly taken due to the failure to serve or file an affidavit of errors (see CPL 460.10[3]). Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

Decided May 1, 2018