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## JPMORGAN CHASE BANK, N.A. v. GEORGE N. GEORGITSEAS, ET AL. (AC 35559)

Bear, Sheldon and Schaller, Js.

Argued March 3—officially released April 29, 2014

(Appeal from Superior Court, judicial district of Stamford-Norwalk, Mintz, J.)

 $Genevieve\ P.\ Salvatore,\ for\ the\ appellant\ (named\ defendant).$ 

Laura Pascale Zaino, with whom, on the brief, was Brian D. Rich, for the appellee (plaintiff).

PER CURIAM. The defendant George N. Georgitseas¹ appeals from the judgment of strict foreclosure rendered by the trial court in favor of the plaintiff, JPMorgan Chase Bank, N.A. On appeal, the defendant makes three claims pertaining to the court's reliance on a "drive-by" or "exterior-only" appraisal dated more than 120 days before the date of the judgment in its calculation of the subject property's fair market value. We conclude that the defendant has failed to preserve any of his claims for appellate review, and we accordingly affirm the judgment of the trial court.

"Practice Book § 60-5 provides in relevant part that [t]he court shall not be bound to consider a claim unless it was distinctly raised at the trial or arose subsequent to the trial. The court may in the interests of justice notice plain error not brought to the attention of the trial court. . . . Indeed, it is the appellant's responsibility to present a claim clearly to the trial court so that the trial court may consider it and, if it is meritorious, take appropriate action. That is the basis for the requirement that ordinarily [the appellant] must raise in the trial court the issues that he intends to raise on appeal. . . . For us [t]o review [a] claim, which has been articulated for the first time on appeal and not before the trial court, would result in a trial by ambuscade of the trial judge. . . . We have repeatedly indicated our disfavor with the failure, whether because of a mistake of law, inattention or design, to object to errors occurring in the course of a trial until it is too late for them to be corrected, and thereafter, if the outcome of the trial proves unsatisfactory, with the assignment of such errors as grounds of appeal." (Internal quotation marks omitted.) Sturgeon v. Sturgeon, 114 Conn. App. 682, 693, 971 A.2d 691, cert. denied, 293 Conn. 903, 975 A.2d 1278 (2009).

We carefully have reviewed the trial court file, including but not limited to the transcripts of the relevant proceedings, and we cannot find any notice to and opportunity for review by the trial court of any of the defendant's three claims raised in this appeal. During oral argument before this court, we asked the defendant on what basis we could hear these claims for the first time on appeal. The defendant did not assert that he had properly preserved the claims for appellate review; he, instead, argued that the state of the law and the trial court's alleged failure to perform its gatekeeping function should compel this court to review his claims, regardless of whether they properly were preserved. In light of our longstanding precedent requiring claims to be made initially in the trial court, and the defendant's failure to provide any valid explanation for his failure to do so in this case, we have no alternative except to affirm the judgment.

The judgment is affirmed and the case is remanded for the purpose of setting a new law day.  $^{\scriptscriptstyle 1}$  RBS Citizens, N.A., also was named as a defendant but is not involved

 $^{\rm 1}$  RBS Citizens, N.A., also was named as a defendant but is not involved in this appeal. We therefore refer in this opinion to George N. Georgitseas as the defendant.