

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: October 5, 2017

105650

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

SCOTT MYERS,

Appellant.

Calendar Date: September 14, 2017

Before: McCarthy, J.P., Lynch, Clark, Aarons and Pritzker, JJ.

Bruce Evans Knoll, Albany, for appellant, and appellant pro se.

John R. Sandleitner, Tannersville, for respondent.

Clark, J.

Appeal from a judgment of the County Court of Greene County (Koweek, J.), rendered January 11, 2013, which revoked defendant's probation and imposed a sentence of imprisonment.

In satisfaction of a 19-count indictment, defendant pleaded guilty to two counts of criminal contempt in the second degree, waived his right to appeal and was sentenced, in accordance with the plea agreement, to three years of probation. Thereafter, defendant was charged with violating the terms of his probation. Following an extensive hearing, County Court revoked defendant's probation and resentenced him to concurrent one-year jail terms. Defendant appeals. During the pendency of this appeal, County Court granted defendant's CPL article 440 motion, vacated the judgment of conviction and, thereafter, on January 5, 2017,

granted the People's motion to dismiss the 19-count indictment with prejudice. As such, this appeal must be dismissed as moot (cf. People ex rel. W. v LeFevre, 63 AD2d 758, 758-759 [1978]).

McCarthy, J.P., Lynch, Aarons and Pritzker, JJ., concur.

ORDERED that the appeal is dismissed, as moot.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger
Clerk of the Court