

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

Decided and Entered: September 14, 2017

107623

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

MARY E. STABLER,

Appellant.

Calendar Date: August 24, 2017

Before: McCarthy, J.P., Garry, Rose, Devine and Clark, JJ.

Susan Patnode, Rural Law Center of New York, Castleton
(Cynthia Feathers of counsel), for appellant.

John M. Muehl, District Attorney, Cooperstown (Michael F.
Getman of counsel), for respondent.

Garry, J.

Appeal from a judgment of the County Court of Otsego County
(Burns, J.), rendered April 24, 2015, which denied defendant's
motion pursuant to CPL 410.90 for termination of a sentence of
probation.

In 2011, defendant pleaded guilty to criminal sale of a
controlled substance in the fifth degree, waived her right to
appeal and was sentenced, in accordance with her plea agreement,
to five years of probation. In January 2015, defendant
subsequently moved to terminate her sentence of probation (see
CPL 410.90) and, following a hearing, County Court denied

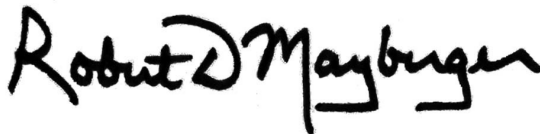
defendant's motion. Defendant now appeals.¹

Defendant's sole argument on appeal is that County Court abused its discretion in denying her motion to terminate her probation (see CPL 410.90 [3]). Defendant concedes, however, that her term of probation expired in March 2016; accordingly, her appeal has been rendered moot (see People v Cancer, 132 AD3d 1021, 1022 [2015]; People v Rodwell, 122 AD3d 1065, 1068 [2014], lv denied 25 NY3d 1170 [2015]). Moreover, we find unavailing defendant's contention that this case falls within the exception to the mootness doctrine (see generally Matter of Hearst Corp. v Clyne, 50 NY2d 707, 714-715 [1980]).

McCarthy, J.P., Rose, Devine and Clark, 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

¹ Although defendant's notice of appeal contains a typographical error setting forth the incorrect date of the order appealed from, we overlook this inaccuracy and treat the notice of appeal as valid (see CPL 460.10 [b]; People v Van Hoesen, 145 AD3d 1183, 1184 n [2016]).