

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

Decided and Entered: March 23, 2023

112338

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

BRYON DIBBLE,

Appellant.

Calendar Date: February 10, 2023

Before: Garry, P.J., Clark, Aarons, Reynolds Fitzgerald and Ceresia, JJ.

Theresa M. Suozzi, Saratoga Springs, for appellant.

Elizabeth M. Crawford, District Attorney, Malone (*Jennifer M. Hollis* of counsel),
for respondent.

Appeal from a judgment of the County Court of Franklin County (Robert G. Main Jr., J.), rendered February 4, 2020, which revoked defendant's probation and imposed a period of incarceration.


In January 2019, defendant separately pleaded guilty to endangering the welfare of a child and reckless endangerment in the second degree and was sentenced to three years of probation subject to various terms and conditions. Approximately one year later, defendant was charged in two petitions with violating certain terms and conditions of his probation. Following a hearing, County Court revoked defendant's probation and sentenced him upon each violation to 364 days in the local jail – said periods of incarceration to run concurrently. Defendant appeals, contending only that the period of incarceration imposed was unduly harsh or severe.

The People have advised this Court – and defendant does not dispute – that defendant has completed serving his jail sentence, thereby rendering the instant appeal moot (*see People v McLean*, 185 AD3d 1089, 1089 [3d Dept 2020]; *People v Burks*, 163 AD3d 1268, 1268 [3d Dept 2018], *lv denied* 34 NY3d 1015 [2019]). Accordingly, the appeal must be dismissed.

Garry, P.J., Clark, Aarons, Reynolds Fitzgerald and Ceresia, 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