

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

Decided and Entered: February 5, 2026

CR-22-1954

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

THOMAS C. TATRO,

Appellant.

Calendar Date: January 14, 2026

Before: Reynolds Fitzgerald, J.P., Ceresia, Fisher, McShan and Mackey, JJ.

Craig Meyerson, Peru, for appellant.

Michael P. Langey, District Attorney, Elizabethtown (*Kevin P. Mallery* of counsel), for respondent.

Ceresia, J.

Appeal from a judgment of the County Court of Essex County (Richard Meyer, J.), rendered June 23, 2022, convicting defendant upon his plea of guilty of the crime of criminal contempt in the first degree.

In satisfaction of two felony complaints, defendant waived indictment and pleaded guilty to a superior court information charging him with criminal contempt in the first degree and agreed to waive his right to appeal. Although the People agreed to recommend jail time and a term of probation, County Court made no sentence commitment and advised defendant of the maximum permissible sentence exposure.

Thereafter, the court sentenced defendant to the maximum prison term of 1½ to 4 years. Defendant appeals.

Initially, to the extent that defendant's contention can be read as a challenge to the severity of the sentence imposed, such contention is precluded by the unchallenged waiver of his right to appeal (*see People v Chan*, 214 AD3d 1071, 1073 [3d Dept 2023], *lv denied* 40 NY3d 927 [2023]; *People v Harrington*, 185 AD3d 1301, 1302 [3d Dept 2020]). Further, defendant's challenge to the voluntariness of the plea, which issue is not precluded by an appeal waiver, is unpreserved for our review as the record does not reflect that defendant made an appropriate postallocution motion (*see People v Mahood*, 238 AD3d 1433, 1434 [3d Dept 2025], *lv denied* 44 NY3d 983 [2025]; *People v Quarterman*, 238 AD3d 1385, 1385-1386 [3d Dept 2025]).

Reynolds Fitzgerald, J.P., Fisher, McShan and Mackey, JJ., concur.

ORDERED that the judgment is affirmed.

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