

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

Decided and Entered: June 25, 2026

CR-23-2405

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

AARON NADEAU,

Appellant.

Calendar Date: May 22, 2026

Before: Clark, J.P., Aarons, Pritzker, McShan and Mackey, JJ.

Todd G. Monahan, Schenectady, for appellant.

Andrew J. Wylie, District Attorney, Plattsburgh (*Jaime A. Douthat* of counsel), for respondent.

Appeal from a judgment of the County Court of Clinton County (William Favreau, J.), rendered August 4, 2023, which revoked defendant's probation and imposed a sentence of imprisonment.

In 2018, after pleading guilty to felony driving while intoxicated (*see* Vehicle and Traffic Law §§ 1192 [3]; 1193 [1] [a]), defendant was sentenced to 12 weekends in jail and a five-year term of probation. In March 2023, a declaration of delinquency was issued, and defendant was charged with violating certain conditions of his probation. In May 2023, defendant admitted to violating certain terms of his probation. The following month, the Probation Department advised County Court that defendant had failed a drug test and had admitted to additional drug use, and defendant was remanded. In August

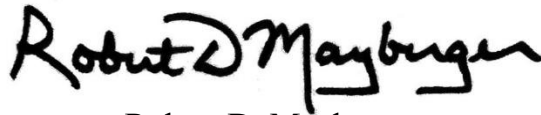
2023, defendant's probation was revoked and he was resentenced to an indeterminate prison term of 1 to 3 years. Defendant appeals, and we affirm.

Defendant's challenge to the sentence as harsh and excessive is moot, given that he has reached the maximum expiration date of his sentence and has been released from prison (*see People v Guerin*, 248 AD3d 1500, 1501 [3d Dept 2026]; *People v Cotto*, 218 AD3d 1021, 1026 [3d Dept 2023], *lv denied* 40 NY3d 1039 [2023]).

Clark, J.P., Aarons, Pritzker, 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