

Supreme Court of the State of New York  
Appellate Division: Second Judicial Department

D34244  
C/prt

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - January 17, 2012

PETER B. SKELOS, J.P.  
RUTH C. BALKIN  
SHERI S. ROMAN  
SANDRA L. SGROI, JJ.

---

2011-02513

DECISION & ORDER

The People, etc., respondent,  
v Wilbur Hildreth, appellant.

(Ind. No. 1742/08)

---

O'Brien & O'Brien, LLP, Nesconset, N.Y. (Stephen L. O'Brien and Scott Lockwood of counsel), for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Karla Lato of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Suffolk County (Braslow, J.), rendered February 28, 2011, convicting him of operating a motor vehicle while under the influence of alcohol or drugs and disorderly conduct, after a nonjury trial, and imposing sentence.

ORDERED that the appeal is dismissed as academic, and the matter is remitted to the County Court, Suffolk County, for further proceedings consistent with *People v Mintz* (20 NY2d 770).

The defendant died during the pendency of this appeal and, thus, the action has abated (see *People v Mintz*, 20 NY2d 770; *People v Jenkins*, 167 AD2d 422).

SKELOS, J.P., BALKIN, ROMAN and SGROI, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

April 3, 2012

PEOPLE v HILDRETH, WILBUR