

State of New York Court of Appeals

MEMORANDUM

This memorandum is uncorrected and subject to revision before publication in the New York Reports.

No. 12
The People &c.,
Respondent,
v.
Darling Alba,
Appellant.

Mark W. Zeno, for appellant.
David Gagne, for respondent.

MEMORANDUM:

The appeal should be dismissed without prejudice.

Defendant has been involuntarily removed from the United States due to convictions unrelated to the present appeal. We have discretionary authority to dismiss defendant's

appeal due to such removal (*see People v Diaz*, 7 NY3d 831, 832 [2006]; *see also People v Ventura*, 17 NY3d 675, 680 [2011]; *People v Harrison*, 27 NY3d 281, 288 [2016]).

Defendant's appeal is dismissed without prejudice to defendant moving to reinstate the appeal should he return to this Court's jurisdiction.

Appeal dismissed without prejudice, in a memorandum. Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

Decided February 11, 2026