

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

1077

KA 21-00061

PRESENT: PERADOTTO, J.P., CARNI, LINDLEY, CURRAN, AND BANNISTER, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

KRISTEN N. DEMAY, DEFENDANT-APPELLANT.

THE LEGAL AID BUREAU OF BUFFALO, INC., BUFFALO (JANE I. YOON OF COUNSEL), FOR DEFENDANT-APPELLANT.

JOSEPH V. CARDONE, DISTRICT ATTORNEY, ALBION (SUSAN M. HOWARD OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Orleans County Court (Sanford A. Church, J.), rendered November 24, 2020. The judgment convicted defendant, upon her plea of guilty, of petit larceny.

It is hereby ORDERED that said appeal is unanimously dismissed.

Memorandum: On appeal from a judgment convicting her, upon her plea of guilty, of petit larceny (Penal Law § 155.25), defendant contends that her waiver of the right to appeal is invalid and that her sentence is unduly harsh and severe. Because defendant has completed serving the sentence imposed, her contention with respect to the severity of the sentence is moot, and we therefore need not reach her contention with respect to the validity of the waiver of the right to appeal (*see People v Seppe*, 188 AD3d 1716, 1716 [4th Dept 2020]; *People v Swick*, 147 AD3d 1346, 1346 [4th Dept 2017], *lv denied* 29 NY3d 1001 [2017]; *People v Bald*, 34 AD3d 1362, 1362 [4th Dept 2006]).

Entered: January 28, 2022

Ann Dillon Flynn
Clerk of the Court