

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

777

KA 21-00807

PRESENT: WHALEN, P.J., CURRAN, OGDEN, DELCONTE, AND HANNAH, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

TRISHA A. CASTELLANO, DEFENDANT-APPELLANT.

LEANNE LAPP, PUBLIC DEFENDER, CANANDAIGUA (CARA A. WALDMAN OF COUNSEL), FOR DEFENDANT-APPELLANT.

JAMES B. RITTS, DISTRICT ATTORNEY, CANANDAIGUA (V. CHRISTOPHER EAGGLESTON OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Ontario County Court (Frederick G. Reed, A.J.), rendered September 12, 2019. The judgment convicted defendant upon her plea of guilty of criminal sale of a controlled substance in the third degree.

It is hereby ORDERED that said appeal is unanimously dismissed.

Memorandum: On appeal from a judgment convicting her upon a plea of guilty of criminal sale of a controlled substance in the third degree (Penal Law § 220.39 [1]), defendant contends that her waiver of the right to appeal is invalid and that her contention concerning the severity of her sentence is thus properly before us. Inasmuch as defendant has completed serving the sentence imposed, her contention that the sentence is unduly harsh and severe has been rendered moot (*see People v McMullen*, 224 AD3d 1280, 1281 [4th Dept 2024]; *People v Demay*, 201 AD3d 1351, 1351-1352 [4th Dept 2022]; *People v Seppe*, 188 AD3d 1716, 1716 [4th Dept 2020]). Even assuming, arguendo, that defendant's challenge to her sentence has not been rendered moot and that she did not validly waive her right to appeal, we would conclude that the sentence is not unduly harsh or severe (*see e.g. People v Ismael*, 210 AD3d 1528, 1529-1530 [4th Dept 2022]).

Entered: November 15, 2024

Ann Dillon Flynn
Clerk of the Court