

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

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CAF 16-01430

PRESENT: WHALEN, P.J., SMITH, DEJOSEPH, NEMOYER, AND WINSLOW, JJ.

IN THE MATTER OF ALEXANDRIA G. MCGRATH,
PETITIONER-RESPONDENT,

V

MEMORANDUM AND ORDER

JOHNATHON J. HEALEY, RESPONDENT-APPELLANT.

DAVID J. PAJAK, ALDEN, FOR RESPONDENT-APPELLANT.

Appeal from an order of the Family Court, Erie County (Deanne M. Tripi, J.), entered August 2, 2016 in a proceeding pursuant to Family Court Act article 4. The order, among other things, revoked a suspended sentence imposed for respondent's admitted willful violation of a child support order and committed him to jail for 90 days.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Memorandum: Respondent appeals from an order revoking a suspended sentence imposed for his admitted willful violation of a child support order and committing him to jail for 90 days. Inasmuch as respondent concedes that he has served his sentence, the instant appeal is moot (*see Matter of Davis v Williams*, 133 AD3d 1354, 1355 [4th Dept 2015]; *Matter of St. Lawrence County Dept. of Soc. Servs. v Pratt*, 24 AD3d 1050, 1050 [3d Dept 2005], *lv denied* 6 NY3d 713 [2006]). To the extent that respondent contends that this appeal is not moot because a finding of contempt and willful violation may have significant collateral consequences for him, we note that he did not appeal from the order finding him in willful violation of the order requiring him to pay child support (*see Davis*, 133 AD3d at 1355; *St. Lawrence County Dept. of Soc. Servs.*, 24 AD3d at 1050; *cf. Matter of Bickwid v Deutsch*, 87 NY2d 862, 863 [1995]).

Entered: February 2, 2018

Mark W. Bennett
Clerk of the Court