

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

**359**

**KA 14-01882**

PRESENT: CENTRA, J.P., PERADOTTO, DEJOSEPH, CURRAN, AND SCUDDER, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

EBONY S. MACK, DEFENDANT-APPELLANT.

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TIMOTHY P. DONAHER, PUBLIC DEFENDER, ROCHESTER (JANET C. SOMES OF COUNSEL), FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (LEAH R. MERVINE OF COUNSEL), FOR RESPONDENT.

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Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered July 22, 2014. The judgment convicted defendant, upon her plea of guilty, of aggravated driving while intoxicated with a child passenger (two counts), aggravated driving while intoxicated, driving while intoxicated (two counts) and endangering the welfare of a child.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed.

Memorandum: Defendant appeals from a judgment convicting her upon her plea of guilty of, inter alia, aggravated driving while intoxicated (Vehicle and Traffic Law § 1192 [2-a] [a]). We agree with defendant that the certificate of conviction incorrectly reflects that her sentence included a fine, and it therefore must be amended to correct that error (*see generally People v Meza*, 141 AD3d 1110, 1110, *lv denied* 28 NY3d 928; *People v Kemp*, 112 AD3d 1376, 1377).

Entered: March 31, 2017

Frances E. Cafarell  
Clerk of the Court