

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: April 19, 2012

104071

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

KAREN E. MILLER,

Appellant.

Calendar Date: February 21, 2012

Before: Peters, P.J., Rose, Malone Jr., McCarthy and Garry, JJ.

Teresa C. Mulliken, Harpersfield, for appellant.

Richard D. Northrup Jr., District Attorney, Delhi, for respondent.

Appeal from a judgment of the County Court of Delaware County (Becker, J.), rendered January 31, 2011, convicting defendant upon her plea of guilty of the crime of driving while ability impaired by drugs.

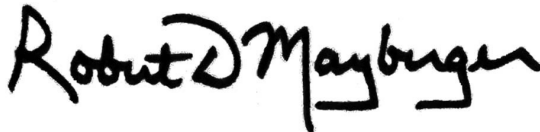
Defendant pleaded guilty to driving while ability impaired by drugs and was sentenced to a prison term of 1 to 3 years. We are unpersuaded by defendant's contention that the sentence imposed was harsh. No promises were made with regard to sentencing other than County Court's agreement that it would consider defendant's participation in a treatment program. Although defendant completed a pain management program, the record establishes that defendant was still dependent on prescription medication and the completed program did not address her addiction issue. In view of this, as well as defendant's extensive criminal history, we find no abuse of discretion or

extraordinary circumstances to warrant a modification of the sentence in the interest of justice (see People v Warner, 9 AD3d 604, 604-605 [2004]).

Peters, P.J., Rose, Malone Jr., McCarthy and Garry, JJ., concur.

ORDERED that the judgment is affirmed.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger
Clerk of the Court