

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D12143
Y/cb

_____AD3d_____

Submitted - June 15, 2006

THOMAS A. ADAMS, J.P.
GABRIEL M. KRAUSMAN
STEVEN W. FISHER
MARK C. DILLON, JJ.

2005-02613

DECISION & ORDER

People of State of New York, respondent,
v Darryl Morris, appellant.

Steven Banks, New York, N.Y. (Jeffrey I. Richman of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Anthea H. Bruffee of counsel; Phyllis Lee on the brief), for respondent.

Appeal by the defendant from an order of the Supreme Court, Kings County (Guzman, J.), dated February 24, 2005, which designated him a level three sex offender pursuant to Correction Law article 6-C.

ORDERED that the order is affirmed, without costs or disbursements.

The Supreme Court's determination designating the defendant a level three sex offender is supported by clear and convincing evidence (*see* Correction Law § 168-n[3]) and, therefore, should not be disturbed on appeal (*see People v O'Neal*, 26 AD3d 365, *lv denied* 7 NY3d 702; *People v Baylor*, 19 AD3d 467; *People v Smith*, 5 AD3d 752; *People v Stokes*, 5 AD3d 651; *People v Cureton*, 299 AD2d 532).

The defendant's remaining contentions are unpreserved for appellate review (*see People v Barber*, _____AD3d_____ [2d Dept, May 9, 2006]; *People v Burgess*, 6 AD3d 686; *People v Angelo*, 3 AD3d 482; *People v Cureton*, *supra*), or are based on matter dehors the record (*see People v Gliatta*, 27 AD3d 441).

ADAMS, J.P., KRAUSMAN, FISHER and DILLON, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

October 17, 2006

PEOPLE OF STATE OF NEW YORK v MORRIS