

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

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Submitted - September 5, 2006

THOMAS A. ADAMS, J.P.
GLORIA GOLDSTEIN
WILLIAM F. MASTRO
ROBERT A. LIFSON, JJ.

2005-01832

DECISION & ORDER

People of State of New York, respondent,
v Harry Murphy, appellant.

James D. Licata, New City, N.Y. (Lois Cappelletti of counsel), for appellant.

Michael E. Bongiorno, District Attorney, New City, N.Y. (Carrie A. Ciganek of counsel), for respondent.

Appeal by the defendant from an order of the County Court, Rockland County (Resnik, J.), entered January 24, 2005, which, after a hearing, designated him a level three sex offender pursuant to Correction Law article 6-C.

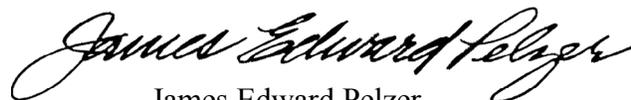
ORDERED that the order is affirmed, without costs or disbursements.

The defendant's history of drug and alcohol abuse and other factors that were not contested by him, which resulted in 110 points on the risk assessment form, was a sufficient basis to designate him a level three sex offender (*see People v Abdullah*, 31 AD3d 515).

His contention that he was improperly assessed additional points based upon uncertified copies of certain depositions need not be addressed since there was a sufficient basis to designate him a level three sex offender without those depositions (*see People v Lombard*, 30 AD3d 573).

ADAMS, J.P., GOLDSTEIN, MASTRO and LIFSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 17, 2006

PEOPLE OF STATE OF NEW YORK v MURPHY