

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

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_____AD3d_____

Submitted - September 29, 2006

FRED T. SANTUCCI, J.P.
WILLIAM F. MASTRO
STEVEN W. FISHER
MARK C. DILLON, JJ.

2005-02255

DECISION & ORDER

People of State of New York, respondent,
v Stephen Atkinson, appellant.

Robert C. Mitchell, Riverhead, N.Y. (James H. Miller III of counsel), for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Edward A. Bannan of counsel),
for respondent.

Appeal by the defendant from an order of the Supreme Court, Suffolk County (Doyle, J.), dated February 15, 2005, which, without 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.

Contrary to the defendant's contention, the evidence submitted by the People established, by clear and convincing evidence (*see* Correction Law § 168-k[2]), including reliable hearsay (*id.*), the existence of facts sufficient to support the recommendation of the Board of Examiners of Sex Offenders that the defendant be classified as a level three sex offender (*see People v Hegazy*, 25 AD3d 675; *People v Terdeman*, 175 Misc 2d 379).

SANTUCCI, J.P., MASTRO, FISHER and DILLON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

November 14, 2006

PEOPLE OF STATE OF NEW YORK v ATKINSON