

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

D13142
O/hu

_____AD3d_____

Submitted - November 9, 2006

A. GAIL PRUDENTI, P.J.
GABRIEL M. KRAUSMAN
WILLIAM F. MASTRO
REINALDO E. RIVERA, JJ.

2005-05127

DECISION & ORDER

People of State of New York, respondent,
v Richard Babcock, appellant.

Ryan & Schwarz, LLP, Suffern, N.Y. (John M. Schwarz, Jr., of counsel), for
appellant.

Francis D. Phillips II, District Attorney, Goshen, N.Y. (Daniel M. Reback of
counsel), for respondent.

Appeal by the defendant from an order of the County Court, Orange County (DeRosa,
J.), dated April 29, 2005, which, after a hearing, designated him a level three sex offender pursuant
to Correction Law article 6-C.

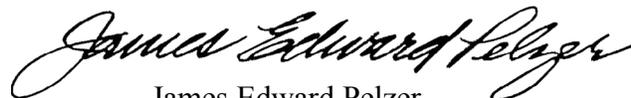
ORDERED that the order is affirmed, without costs or disbursements.

Contrary to the defendant's contention, the court did not err in assessing him 10 points
for his lack of acceptance of responsibility for his crime, as the court's determination is supported by
clear and convincing evidence (*see* Correction Law § 168-n[3]; *People v Fortin*, 29 AD3d 765;
People v Noriega, 26 AD3d 767; *People v Dort*, 18 AD3d 23, 25-26; *People v Walker*, 15 AD3d
692, 692-693; *People v Mitchell*, 300 AD2d 377; *People v Chilson*, 286 AD2d 828).

The defendant's remaining contentions are without merit.

PRUDENTI, P.J., KRAUSMAN, MASTRO and RIVERA, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 19, 2006

PEOPLE OF STATE OF NEW YORK v BABCOCK