

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

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_____AD3d_____

Submitted - November 16, 2006

ANITA R. FLORIO, J.P.
WILLIAM F. MASTRO
ROBERT A. SPOLZINO
PETER B. SKELOS, JJ.

2005-01718

DECISION & ORDER

People of State of New York, etc., respondent,
v John Pipkin, appellant.

Lynn W. L. Fahey, New York, N.Y. (Lisa Napoli of counsel), for appellant.

Daniel M. Donovan, District Attorney, Staten Island, N.Y. (Karen F. McGee and
Anne Crick of counsel), for respondent.

Appeal by the defendant from an order of the Supreme Court, Richmond County
(Rienzi, J.), dated January 7, 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 failure of his counsel at the hearing to
controvert the assessment of 40 points under Risk Factors 9 and 10 did not, under the circumstances
of this case, constitute ineffective assistance of counsel.

FLORIO, J.P., MASTRO, SPOLZINO and SKELOS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 19, 2006

PEOPLE OF STATE OF NEW YORK v PIPKIN