

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

D13428
C/hu

_____AD3d_____

Submitted - December 4, 2006

HOWARD MILLER, J.P.
REINALDO E. RIVERA
GABRIEL M. KRAUSMAN
GLORIA GOLDSTEIN, JJ.

2005-04160

DECISION & ORDER

People of State of New York, respondent,
v Alfredo Gallard, appellant.

Steven Banks, New York, N.Y. (Ellen Dille of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Anthea H. Bruffee, and Maria Park of counsel), for respondent.

Appeal by the defendant from an order of the Supreme Court, Kings County (Marrero, J.), dated April 12, 2005, which, after a hearing to redetermine the defendant's sex offender risk level, conducted pursuant to the stipulation of settlement in *Doe v Pataki* (3 F Supp 2d 456), determined that he was a level two sex offender.

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

The adjudication of the defendant as a level two sex offender was supported by "reliable hearsay evidence" (Correction Law § 168-n[3]; see *People v Vaughn*, 26 AD3d 776, 777; *People v Brown*, 25 AD3d 924; *People v Hines*, 24 AD3d 524).

MILLER, J.P., RIVERA, KRAUSMAN and GOLDSTEIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

January 16, 2007

PEOPLE OF STATE OF NEW YORK v GALLARD