

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

D14068
Y/cb

_____AD3d_____

Submitted - January 25, 2007

WILLIAM F. MASTRO, J.P.
STEVEN W. FISHER
DANIEL D. ANGIOLILLO
WILLIAM E. McCARTHY, JJ.

2004-09511

DECISION & ORDER

People of State of New York, respondent, v
Thomas Frizalone, appellant.

Kent V. Moston, Hempstead, N.Y. (Jeremy L. Goldberg and Tammy Feman of counsel), for appellant.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Margaret A. Mainusch and Cristin N. Connell of counsel), for respondent.

Appeal by the defendant from an order of the County Court, Nassau County (Gulotta, J.), entered October 7, 2004, 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 County Court's determination to designate him a level three sex offender was supported by clear and convincing evidence, and thus, should not be disturbed (*see* Correction Law § 168-n[3]; *People v Morris*, 33 AD3d 778, *lv denied* 7 NY3d 718; *People v Robert I.*, 33 AD3d 777; *People v Glenn*, 24 AD3d 427; *People v Johnson*, 23 AD3d 635, 635-636).

MASTRO, J.P., FISHER, ANGIOLILLO and McCARTHY, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

February 27, 2007

PEOPLE OF STATE OF NEW YORK v FRIZALONE