

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

D15723
W/gts

_____AD3d_____

Submitted - May 18, 2007

ROBERT W. SCHMIDT, J.P.
STEPHEN G. CRANE
GABRIEL M. KRAUSMAN
THOMAS A. DICKERSON, JJ.

2006-00941
2006-00942

DECISION & ORDER

People of State of New York, appellant,
v Wendy Hatras, respondent.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Karla Lato of counsel), for appellant.

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

Appeals by the People from (1) a decision of the County Court, Suffolk County (Gazzillo, J.), dated December 8, 2005, made after a hearing, and (2) an order of the same court dated December 15, 2005, which, upon the decision, designated the defendant a level two sex offender pursuant to Correction Law article 6-C.

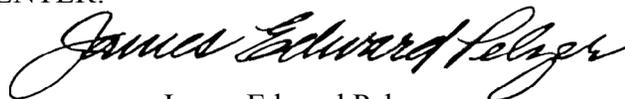
ORDERED that the appeal from the decision dated December 8, 2005, is dismissed, without costs or disbursements, as no appeal lies from a decision (*see Schicchi v J. A. Green Constr. Corp.*, 100 AD2d 509); and it is further,

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

There was clear and convincing evidence to support the County Court's order to designate the defendant a level two sex offender. The order thus will not be disturbed on appeal (*see People v Burgos*, 39 AD3d 520; *People v Abdullah*, 31 AD3d 515, 516; *People v Inghilleri*, 21 AD3d 404, 406).

SCHMIDT, J.P., CRANE, KRAUSMAN and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 26, 2007

PEOPLE OF STATE OF NEW YORK v HATRAS