

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

D16344
X/kmg

_____AD3d_____

Submitted - September 10, 2007

STEPHEN G. CRANE, J.P.
ROBERT A. LIFSON
EDWARD D. CARNI
RUTH C. BALKIN, JJ.

2006-07998

DECISION & ORDER

People of State of New York, respondent,
v Maurice Yarborough, appellant.

Stephen J. Pittari, White Plains, N.Y. (David B. Weisfuse of counsel), for appellant.

Janet DiFiore, District Attorney, White Plains, N.Y. (Maria I. Wagner, Richard Longworth Hecht, and Anthony J. Servino of counsel), for respondent.

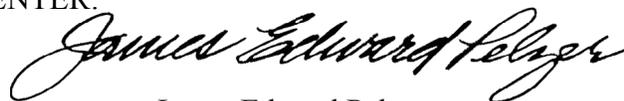
Appeal by the defendant from an order of the County Court, Westchester County (Bellantoni, J.), entered July 25, 2006, which, after a hearing, designated him a level three sex offender pursuant to Correction Law article 6-C.

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

Contrary to the defendant's contentions, the County Court's determination to designate him a level three sex offender is supported by clear and convincing evidence, based on the facts and admissions contained in the pre-sentence investigation report, the case summary, and the Risk Assessment Instrument of the Board of Examiners of Sex Offenders (*see* Correction Law § 168-n; *People v Arnold*, 35 AD3d 827; *People v Grimmett*, 29 AD3d 766, 767; *cf. People v Hines*, 24 AD3d 524, 525; *People v Davis*, 21 AD3d 590, 592).

CRANE, J.P., LIFSON, CARNI and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

September 25, 2007

PEOPLE OF STATE OF NEW YORK v YARBOROUGH