

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

D16413  
X/cb

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Submitted - September 14, 2007

ROBERT W. SCHMIDT, J.P.  
FRED T. SANTUCCI  
ANITA R. FLORIO  
MARK C. DILLON, JJ.

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2006-02836

DECISION & ORDER

People of State of New York, respondent,  
v Randy Green, appellant.

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

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Steven A. Hovani of counsel),  
for respondent.

Appeal by the defendant from a determination of the County Court, Suffolk County  
(Crecca, J.), dated March 8, 2006, which, after a hearing pursuant to Correction Law article 6-C,  
designated him a level three sex offender.

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

There was clear and convincing evidence to support the County Court's determination  
to designate the defendant a level three sex offender (*see People v Fisher*, 36 AD3d 880; *People v  
Inghilleri*, 21 AD3d 404; *People v Guaman*, 8 AD3d 545). There is no merit to the defendant's  
contention that he was entitled to a downward departure from this risk level (*see People v Abdullah*,  
31 AD3d 515; *People v Ventura*, 24 AD3d 527; *People v Dexter*, 21 AD3d 403).

SCHMIDT, J.P., SANTUCCI, FLORIO and DILLON, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

October 2, 2007

PEOPLE OF STATE OF NEW YORK v GREEN