

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

D17185  
O/hu

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - November 2, 2007

ROBERT W. SCHMIDT, J.P.  
REINALDO E. RIVERA  
ANITA R. FLORIO  
RUTH C. BALKIN, JJ.

---

2005-06895

DECISION & ORDER

People of State of New York, respondent,  
v Shateek Williams, appellant.

(Ind. No. 1023/04)

---

Steven Banks, New York, N.Y. (Steven J. Miraglia 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 (Sullivan, J.), dated June 15, 2005, which, after a hearing pursuant to Correction Law article 6-C, designated him a level three sex offender.

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

Contrary to the defendant's contention, the Supreme Court's determination to designate him a level three sex offender is supported by clear and convincing evidence, and thus, should not be disturbed (*see* Correction Law § 168-n[3]; *People v Morris*, 33 AD3d 778; *People v Robert I.*, 33 AD3d 777).

The defendant's remaining contention, that he is entitled to a downward departure is unpreserved for appellate review (*see People v Graham*, 35 AD3d 299) and, in any event, is without merit.

SCHMIDT, J.P., RIVERA, FLORIO and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

December 11, 2007

PEOPLE OF STATE OF NEW YORK v WILLIAMS