

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

D17920  
O/kmg

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

Submitted - January 4, 2008

ROBERT A. SPOLZINO, J.P.  
ANITA R. FLORIO  
HOWARD MILLER  
THOMAS A. DICKERSON, JJ.

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2006-09318

DECISION & ORDER

People of State of New York, respondent,  
v Edward L. Stevens, Jr., appellant.

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Bruce A. Petito, Poughkeepsie, N.Y., for appellant.

William V. Grady, District Attorney, Poughkeepsie, N.Y. (Bridget Rahilly Steller of counsel), for respondent.

Appeal by the defendant from an order of the County Court, Dutchess County (Hayes, J.), dated August 28, 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.

The defendant's contention that the assessment of points against him based upon the victim's physical helplessness constituted improper "double counting" because he was also assessed points based upon the victim's age is without merit (*see People v Davenport*, 38 AD3d 634; *People v Vaughn*, 26 AD3d 776).

The defendant's remaining contentions are without merit.

SPOLZINO, J.P., FLORIO, MILLER and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

February 13, 2008

PEOPLE OF STATE OF NEW YORK v STEVENS