

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

D18404
C/prt

_____AD3d_____

Submitted - January 28, 2008

ROBERT A. SPOLZINO, J.P.
FRED T. SANTUCCI
DANIEL D. ANGIOLILLO
RUTH C. BALKIN, JJ.

2005-10229

DECISION & ORDER

People of State of New York, respondent,
v Roberto Hernandez, appellant.

Kent V. Moston, Hempstead, N.Y. (Jeremy L. Goldberg and Tammy Feman of counsel), for appellant.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Margaret E. Mainusch and Jason P. Weinstein of counsel), for respondent.

Appeal by the defendant from an order of the County Court, Nassau County (Brown, J.), dated July 28, 2005, 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 contention, the County Court's determination to designate him a level three sex offender is supported by clear and convincing evidence (*see People v Green*, _____AD3d_____, 2008 NY Slip Op 244 [2d Dept, 2008]; *People v Smith*, 46 AD3d 791; *People v Davenport*, 38 AD3d 634; *People v Morris*, 33 AD3d 778).

SPOLZINO, J.P., SANTUCCI, ANGIOLILLO and BALKIN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

March 11, 2008

PEOPLE OF STATE OF NEW YORK v HERNANDEZ