

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

D19207
O/prt

_____AD3d_____

Submitted - April 10, 2008

REINALDO E. RIVERA, J.P.
FRED T. SANTUCCI
RANDALL T. ENG
CHERYL E. CHAMBERS, JJ.

2006-06312

DECISION & ORDER

People of State of New York, respondent,
v Timothy Porter, appellant.

David Goodman, Poughkeepsie, N.Y. (Steven Levine of counsel), for appellant.

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

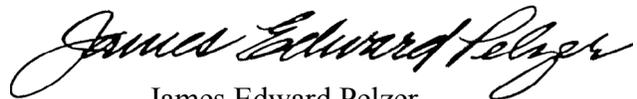
Appeal by the defendant from an order of the County Court, Dutchess County (Dolan, J.), dated June 6, 2006, which, after a hearing, designated him a level two sex offender pursuant to Correction Law article 6-C.

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

The County Court's determination to designate the defendant a level two sex offender was supported by clear and convincing evidence, and thus should not be disturbed (*see* Correction Law § 168-n[3]; *People v Gambetta*, 19 AD3d 571).

RIVERA, J.P., SANTUCCI, ENG and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

May 13, 2008

PEOPLE OF STATE OF NEW YORK v PORTER