

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

D20810
C/kmg

_____AD3d_____

Submitted - October 2, 2008

STEVEN W. FISHER, J.P.
JOSEPH COVELLO
WILLIAM E. McCARTHY
JOHN M. LEVENTHAL, JJ.

2006-11727

DECISION & ORDER

People of State of New York, respondent,
v Adrian Wright, 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 (Hayes, J.), dated November 14, 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.

Contrary to the defendant's contention, the County Court's determination to assess 20 points because he engaged in a continuing course of sexual misconduct is based on clear and convincing evidence (*see* Correction Law § 168-n[3]; *People v Wright*, 53 AD3d 963, 964; *People v Di John*, 48 AD3d 1302, 1303; *People v Roberts*, 38 AD3d 1151, 1152). Accordingly, the County Court properly designated the defendant a level three sex offender (*see People v Jenkins*, 24 AD3d 645).

FISHER, J.P., COVELLO, McCARTHY and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 21, 2008

PEOPLE OF STATE OF NEW YORK v WRIGHT