

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

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Submitted - December 1, 2008

PETER B. SKELOS, J.P.  
FRED T. SANTUCCI  
WILLIAM E. McCARTHY  
THOMAS A. DICKERSON, JJ.

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2008-00334

DECISION & ORDER

People of State of New York, respondent,  
v Adam Perahia, appellant.

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Henry Putzel III, New York, N.Y. (Lucia T. Chapman of counsel), for appellant.

Daniel M. Donovan, Jr., District Attorney, Staten Island, N.Y. (Morrie I. Kleinbart  
and Anne Grady of counsel), for respondent.

Appeal by the defendant from an order of the Supreme Court, Richmond County (Rienzi, J.), dated December 17, 2007, 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.

In February 2004, the defendant, who was then a pediatric medical resident, was found in possession of more than 1,000 images of child pornography, which he had downloaded onto his computer, disks, and CD-ROMs. The images included prepubescent females, some of whom were toddlers or preschoolers, engaging in various sexual acts. He pleaded guilty, inter alia, to one count of possessing child pornography in violation of 18 USC § 2252A(a)(5)(B).

After a hearing pursuant to the Sex Offender Registration Act (hereinafter SORA), the defendant was assessed a total of 80 points under risk factors three, five, and seven. He was then designated a level two sex offender. We affirm.

Contrary to the defendant's contention, the Supreme Court's determination to designate him a level two sex offender was supported by clear and convincing evidence, and therefore should not be disturbed (*see* Correction Law § 168-n[3]). The children depicted in the pornographic

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images that he possessed are “victims” within the meaning of SORA (*see People v Johnson*, \_\_\_\_\_ NY3d \_\_\_\_\_, 2008 NY Slip Op 09247 [2d Dept 2008]; *People v Worley*, \_\_\_\_\_ AD3d \_\_\_\_\_, 2008 NY Slip Op 09976 [2d Dept 2008]; *People v Villane*, 49 AD3d 517; *People v Lawless*, 44 AD3d 738), and he was properly assessed a total of 80 points under risk factors three, five, and seven (*see Sex Offender Registration Act: Risk Assessment Guidelines and Commentary at 10-12 [2006 ed.]*).

The defendant’s remaining contentions are without merit.

SKELOS, J.P., SANTUCCI, McCARTHY and DICKERSON, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court