

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

D21859
C/kmg

_____AD3d_____

Submitted - December 18, 2008

A. GAIL PRUDENTI, P.J.
ROBERT A. SPOLZINO
WILLIAM E. McCARTHY
JOHN M. LEVENTHAL, JJ.

2008-03398

DECISION & ORDER

People of the State of New York, respondent,
v Elton Hammonds, appellant.

Stephen J. Pittari, White Plains, N.Y. (Jacqueline F. Oliva of counsel), for appellant.

Janet DiFiore, District Attorney, White Plains, N.Y. (Maria I. Wager, Richard Longworth Hecht, and Anthony J. Servino of counsel), for respondent.

Appeal by the defendant from an order of the Supreme Court, Westchester County (Molea, J.), entered March 25, 2008, 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.

Contrary to the defendant's contentions, the Supreme Court's determination to designate him a level two sex offender was supported by clear and convincing evidence. The determination was based on the facts and admissions contained in the presentence investigation report, the case summary and the risk assessment instrument of the Board of Examiners of Sex Offenders, and the victim's sworn statement (*see* Correction Law § 168-n; *People v Arnold*, 35 AD3d 827; *People v Murphy*, 33 AD3d 778, 779; *People v Thompson*, 31 AD3d 409; *People v Grimmett*, 29 AD3d 766, 767; *People v Hines*, 24 AD3d 524, 525; *People v Davis*, 21 AD3d 590, 592).

PRUDENTI, P.J., SPOLZINO, McCARTHY and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

January 20, 2009

PEOPLE OF THE STATE OF NEW YORK v HAMMONDS