

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

D24118  
Y/prt

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - May 7, 2009

ROBERT A. SPOLZINO, J.P.  
DANIEL D. ANGIOLILLO  
JOHN M. LEVENTHAL  
PLUMMER E. LOTT, JJ.

2007-10239

DECISION & ORDER

People of State of New York, respondent,  
v Danny Cuesta, appellant.

Diane E. Selker, Peekskill, N.Y., for appellant.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Margaret E. Mainusch and Ilisa T. Fleischer of counsel), for respondent.

Appeal by the defendant from an order of the County Court, Nassau County (Calabrese, J.), dated October 22, 2007, which after a hearing, adjudicated him a level three sex offender pursuant to Correction Law article 6-C.

ORDERED that the appeal is dismissed as academic, without costs or disbursements.

In light of this Court's affirmance of the order appealed from in a related case commenced in Suffolk County (*see People v Cuesta*, \_\_\_\_\_AD3d\_\_\_\_\_ [Appellate Division Docket No. 2008-01205, decided herewith]), the contentions raised by the defendant herein have been rendered academic. In the Suffolk County matter, the defendant was adjudicated a level three sex offender pursuant to Correction Law article 6-C.

SPOLZINO, J.P., ANGIOLILLO, LEVENTHAL and LOTT, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

September 15, 2009

PEOPLE OF STATE OF NEW YORK v CUESTA