

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

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_____AD3d_____

Submitted - September 24, 2009

A. GAIL PRUDENTI, P.J.
HOWARD MILLER
CHERYL E. CHAMBERS
SHERI S. ROMAN, JJ.

2008-09705

DECISION & ORDER

People of State of New York, respondent,
v Iesa Britt, appellant.

Lynn W. L. Fahey, New York, N.Y. (Lisa Napoli of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Morgan J. Dennehy of counsel; Samantha Baer on the brief), for respondent.

Appeal by the defendant from an order of the Supreme Court, Kings County (Lott, J.), dated October 20, 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 contention, the hearing court properly assessed points for risk factor 7 because he was a stranger to the victim (*see People v Lewis*, 45 AD3d 1381, 1381; *People v Penson*, 38 AD3d 866, 867; Sex Offender Registration Act: Risk Assessment Guidelines and Commentary at 12 [2006 revisions] [hereinafter Guidelines]). Furthermore, the court properly assessed points for risk factor 11, given the defendant's admission regarding his alcohol usage at the time of the offense (*see People v Carpenter*, 60 AD3d 833, 833; *People v Robinson*, 55 AD3d 708, 708; Guidelines at 15).

The defendant's remaining contentions are without merit.

PRUDENTI, P.J., MILLER, CHAMBERS and ROMAN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 20, 2009

PEOPLE OF STATE OF NEW YORK v BRITT