

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

D25465
C/kmg

_____AD3d_____

Submitted - November 24, 2009

MARK C. DILLON, J.P.
FRED T. SANTUCCI
ANITA R. FLORIO
L. PRISCILLA HALL, JJ.

2009-02454

DECISION & ORDER

People of State of New York, respondent,
v Wani Turner, appellant.

Robert C. Mitchell, Riverhead, N.Y. (James H. Miller III of counsel), for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Ronnie Jane Lamm of counsel),
for respondent.

Appeal by the defendant from an order of the County Court, Suffolk County (Kahn J.), dated February 17, 2009, which, after a hearing pursuant to Correction Law article 6-C, designated him a level two sex offender.

ORDERED that the order is affirmed, without costs or disbursements.

The Supreme Court's determination to designate the defendant a level two sex offender was supported by clear and convincing evidence (*see People v Fisher*, 36 AD3d 880; *People v Inghilleri*, 21 AD3d 404; *People v Guaman*, 8 AD3d 545). There is no merit to the defendant's contention that he was entitled to a downward departure from this risk level (*see People v Gonzalez*, 48 AD3d 284; *People v Warren*, 42 AD3d 593; *People v Lombard*, 30 AD3d 573).

DILLON, J.P., SANTUCCI, FLORIO and HALL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 22, 2009

PEOPLE OF STATE OF NEW YORK v TURNER