

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

D27088
G/prt

_____AD3d_____

Argued - March 11, 2010

STEVEN W. FISHER, J.P.
MARK C. DILLON
THOMAS A. DICKERSON
ARIEL E. BELEN, JJ.

2008-11536

DECISION & ORDER

In the Matter of Keith T. Bush, appellant, v New York
State Board of Examiners of Sex Offenders, etc.,
et al., respondents.

(Index No. 05467/07)

Steven Banks, New York, N.Y. (Robert Newman of counsel), for appellant.

Andrew M. Cuomo, Attorney General, New York, N.Y. (Benjamin N. Gutman,
Richard Dearing, and Karen Schoen of counsel), for respondents New York State
Board of Examiners of Sex Offenders and New York State Division of Criminal
Justice Services.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Rosalind C. Gray of counsel),
respondent pro se.

In a proceeding pursuant to CPLR article 78, inter alia, to review a determination of
the New York State Board of Examiners of Sex Offenders that the petitioner is required to register
as a sex offender pursuant to Correction Law article 6-C, the petitioner appeals from a judgment of
the Supreme Court, Suffolk County (Baisley, Jr., J.), entered November 24, 2008, which denied the
petition and dismissed the proceeding.

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

We agree with the Supreme Court that the petitioner's claims are without merit.

April 27, 2010

Page 1.

MATTER OF BUSH v NEW YORK STATE BOARD OF
EXAMINERS OF SEX OFFENDERS

Requiring the petitioner to register under the Sex Offender Registration Act (Correction Law art 6-C) does not violate the ex post facto clause of the federal constitution (US Const, art I, § 10[1]), the due process clauses of the state or federal constitutions (NY Const, art I, § 6; US Const, Amend XIV), or the petitioner's right to equal protection of the law (*see People v Knox*, 12 NY3d 60, 67, *cert denied* _____US_____, 130 S Ct 552; *People v Buss*, 11 NY3d 553; *Matter of North v Board of Examiners of Sex Offenders of State of N.Y.*, 8 NY3d 745, 752).

FISHER, J.P., DILLON, DICKERSON and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court