

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

D27480  
C/kmg

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

Submitted - April 16, 2010

WILLIAM F. MASTRO, J.P.  
JOSEPH COVELLO  
RANDALL T. ENG  
ARIEL E. BELEN, JJ.

---

2009-05765

DECISION & ORDER

The People, etc., respondent,  
v Jarvis McCray, also known as Jarris McCray,  
appellant.

(Ind. No. 9318/08)

---

Lynn W. L. Fahey, New York, N.Y. (David P. Greenberg of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Jodi L. Mandel of counsel), for respondent.

Appeal by the defendant, as limited by his brief, from so much of a judgment of the Supreme Court, Kings County (Gary, J.), imposed June 9, 2009, as, upon his conviction of attempted criminal possession of a weapon in the second degree, upon his plea of guilty, in effect, required him to register with the New York City Police Department as a gun offender pursuant to the Gun Offender Registration Act (*see* Administrative Code of City of NY § 10-601 *et seq.*) and to comply with the further requirements of the Gun Offender Registration Act, in effect, as a condition of his postrelease supervision.

ORDERED that the judgment is reversed insofar as appealed from, on the law, and so much of the judgment as, in effect, directed the defendant to register with the New York City Police Department as a gun offender pursuant to the Gun Offender Registration Act and comply with the further requirements of the Gun Offender Registration Act, in effect, as a condition of his postrelease supervision, is vacated.

New York City's Gun Offender Registration Act (hereinafter GORA) imposes certain registration and reporting requirements on persons convicted in the courts of the City of New York of a "gun offense" (Administrative Code of City of NY § 10-601 *et seq.*). GORA defines a "[g]un

May 25, 2010

Page 1.

PEOPLE v McCRAY, JARVIS, also known as McCRAY, JARRIS

offender,” in pertinent part, as “any person who is convicted, after the effective date of this act, of a gun offense as defined in subdivision e of this section” (*id.* § 10-602[d]). GORA defines “[g]un offense” as “a conviction of criminal possession of a weapon in the third degree in violation of subdivision 4, 5, 6, 7, or 8 of section 265.02 of the penal law or criminal possession of a weapon in the second degree in violation of subdivision 3 of section 265.03 of the penal law” (*id.* § 10-602[e]).

The defendant pleaded guilty to attempted criminal possession of a weapon in the second degree in violation of Penal Law §§ 110.00 and 265.03(3). As the defendant contends and the People correctly concede, GORA does not apply to him since he was not convicted of a “[g]un offense” within the meaning of GORA (Administrative Code of City of NY § 10-602[e]; *People v Baker*, 62 AD3d 809).

MASTRO, J.P., COVELLO, ENG and BELEN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court