

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

D29432
H/hu

_____AD3d_____

Submitted - November 22, 2010

PETER B. SKELOS, J.P.
RANDALL T. ENG
L. PRISCILLA HALL
PLUMMER E. LOTT, JJ.

2009-06398

DECISION & ORDER

People of State of New York, respondent,
v Robert Dingle, appellant.

Steven Banks, New York, N.Y. (Joanne Legano Ross of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Maria Park of counsel; Sam Hershey on the brief), for respondent.

Appeal by the defendant from an order of the Supreme Court, Kings County (Firetog, J.), dated June 30, 2009, which, after a hearing, designated him a level three sex offender pursuant to Correction Law article 6-C.

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

The defendant failed to present clear and convincing evidence of special circumstances warranting a downward departure from his presumptive level three risk assessment (*see People v Colavito*, 73 AD3d 1004, 1005; *People v Bowens*, 55 AD3d 809, 810; *People v Guaman*, 8 AD3d 545). Accordingly, the Supreme Court providently exercised its discretion in designating the defendant a level three sex offender.

SKELOS, J.P., ENG, HALL and LOTT, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

December 14, 2010

PEOPLE OF STATE OF NEW YORK v DINGLE