

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

D29827
W/kmb

_____AD3d_____

Submitted - December 14, 2010

WILLIAM F. MASTRO, J.P.
REINALDO E. RIVERA
LEONARD B. AUSTIN
SHERI S. ROMAN, JJ.

2006-03734

DECISION & ORDER

People of State of New York, respondent, v
Anthony Crum, appellant.

Steven Banks, New York, N.Y. (Ellen Dille of counsel), for appellant.

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

Appeal by the defendant from an order of the Supreme Court, Kings County (Marrero, J.), dated March 7, 2006, which, after a hearing to redetermine the defendant's sex offender risk level pursuant to the stipulation of settlement in *Doe v Pataki* (3 F Supp 2d 456), 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 Supreme Court's designation of him as a level two sex offender pursuant to Correction Law article 6-C is supported by clear and convincing evidence (*see generally* Correction Law § 168-n[3]; *People v Pettigrew*, 14 NY3d 406, 408).

MASTRO, J.P., RIVERA, AUSTIN and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

February 1, 2011

PEOPLE OF STATE OF NEW YORK v CRUM