

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

D30323
W/kmb

_____AD3d_____

Submitted - February 1, 2011

MARK C. DILLON, J.P.
THOMAS A. DICKERSON
L. PRISCILLA HALL
SHERI S. ROMAN, JJ.

2009-05961

DECISION & ORDER

People of State of New York, respondent,
v Ronald Stahl, appellant.

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

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Karla Lato of counsel), for respondent.

Appeal by the defendant from an order of the County Court, Suffolk County (Kahn, J.), dated June 5, 2009, which, after a hearing, 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, he is not entitled to a downward departure from his presumptive level two risk assessment. The defendant failed to show the existence of special circumstances warranting a downward departure (*see People v Mendez*, 79 AD3d 834, *lv denied* 16 NY3d 707; *People v Johnson*, 77 AD3d 897, *lv denied* 16 NY3d 704; *People v Maiello*, 32 AD3d 463). Accordingly, the County Court providently exercised its discretion in designating the defendant a level two sex offender.

DILLON, J.P., DICKERSON, HALL and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

April 26, 2011

PEOPLE OF STATE OF NEW YORK v STAHL