

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

D30852
C/hu

_____AD3d_____

Submitted - March 10, 2011

ANITA R. FLORIO, J.P.
THOMAS A. DICKERSON
JOHN M. LEVENTHAL
ARIEL E. BELEN, JJ.

2009-05769

DECISION & ORDER

People of State of New York, respondent, v Shaquille
Abdul-Jalil, appellant.

Lynn W. L. Fahey, New York, N.Y. (William Kastin of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Morgan
J. Dennehy of counsel), for respondent.

Appeal by the defendant from an order of the Supreme Court, Kings County (Firetog,
J.), dated June 15, 2009, which, after a hearing, designated him a level 3 sex offender pursuant to
Correction Law article 6-C.

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

The defendant contends that the Supreme Court violated his due process right to
appear at his risk assessment hearing pursuant to the Sex Offender Registration Act (hereinafter
SORA; *see* Correction Law § 168-n[3]; *People v Gonzalez*, 69 AD3d 819), when it conducted the
hearing in his absence over the objection of defense counsel. Contrary to the defendant's contention,
the Supreme Court made a sufficient inquiry into the circumstances surrounding the defendant's
absence, and its determination to proceed in his absence was based upon a hand-written letter by the
defendant, as well as a note signed by the defendant, both of which established that the defendant
waived his right to be present at the hearing. Accordingly, the Supreme Court correctly determined
that the defendant effectively waived his right to be present (*see People v Brooks*, 308 AD2d 99;
People v Ensell, 49 AD3d 1301).

FLORIO, J.P., DICKERSON, LEVENTHAL and BELEN, JJ., concur.

ENTER:



Matthew G. Kiernan
Clerk of the Court

April 12, 2011

PEOPLE OF STATE OF NEW YORK v ABDUL-JALIL