

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

D32568
O/kmb

_____AD3d_____

Submitted - September 27, 2011

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
LEONARD B. AUSTIN
SANDRA L. SGROI, JJ.

2009-00645

DECISION & ORDER

People of State of New York, respondent,
v Raymond Shinn, appellant.

Steven Banks, New York, N.Y. (Bonnie C. Brennan of counsel), for appellant.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano and
Jeanette Lifschitz of counsel; Andrew Dykens on the brief), for respondent.

Appeal by the defendant from an order of the Supreme Court, Queens County
(Grosso, J.), dated December 10, 2008, which, after a hearing to redetermine his sex offender risk
level pursuant to the stipulation of settlement in *Doe v Pataki* (3 F Supp 2d 456), and pursuant to
Doe v Pataki (481 F3d 69), designated him a level two sex offender pursuant to Correction Law
article 6-C.

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

The Supreme Court correctly denied the defendant's request for a downward
departure from his presumptive risk level two designation (*see People of State of New York v Wyatt*,
_____AD3d_____ [decided herewith]; *People v Gallo*, 84 AD3d 1204).

RIVERA, J.P., FLORIO, AUSTIN and SGROI, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

October 18, 2011

PEOPLE OF STATE OF NEW YORK v SHINN