

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

D34044
H/kmb

_____AD3d_____

Submitted - February 2, 2012

PETER B. SKELOS, J.P.
THOMAS A. DICKERSON
ARIEL E. BELEN
ROBERT J. MILLER, JJ.

2007-09981

DECISION & ORDER

People of State of New York, respondent,
v Jeffrey Green, appellant.

Salvatore C. Adamo, New York, N.Y., for appellant.

William V. Grady, District Attorney, Poughkeepsie, N.Y. (Bridget Rahilly Steller of counsel), for respondent.

Appeal by the defendant from an order of the County Court, Dutchess County (Dolan, J.), rendered September 27, 2007, 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, the People demonstrated by clear and convincing evidence that the defendant's relationship with the complainant "had been established or promoted for the primary purpose of victimization," such that the County Court properly assessed the defendant 20 points under risk factor seven (Sex Offender Registration Act: Risk Assessment Guidelines and Commentary, at 12 [2006 ed.]; *see People v Taylor*, 48 AD3d 775, 776; *People v Grosfeld*, 35 AD3d 692, 693). Accordingly, the defendant was properly adjudicated a level two sex offender.

In light of our determination, we need not reach the parties' remaining contentions.

SKELOS, J.P., DICKERSON, BELEN and MILLER, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

February 21, 2012

PEOPLE OF STATE OF NEW YORK v GREEN