

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

D35669
W/kmb

_____AD3d_____

Submitted - June 1, 2012

ANITA R. FLORIO, J.P.
RUTH C. BALKIN
L. PRISCILLA HALL
ROBERT J. MILLER, JJ.

2010-09464

DECISION & ORDER

People of State of New York, respondent,
v George Golliver, appellant.

Del Atwell, East Hampton, N.Y., for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Anne E. Oh of counsel), for respondent.

Appeal by the defendant from an order of the County Court, Suffolk County (Kahn, J.), dated September 7, 2010, which, after a hearing, designated him a level two sexually violent 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 properly concluded that the Michigan crime of criminal sexual conduct in the second degree (*see* Michigan Comp Law § 750.520c[1][f]), of which he was previously convicted, includes all the essential elements of the New York crime of sexual abuse in the first degree for the purpose of determining whether the defendant was a sexually violent offender (*see* Correction Law § 168-a[3][b]; Penal Law § 130.65[1]; *see also* *Matter of North v Board of Examiners of Sex Offenders of State of N.Y.*, 8 NY3d 745, 751). Since the New York crime of sexual abuse in the first degree, as defined in Penal Law § 130.65(1), is deemed a "sexually violent offen[se]" for purposes of the Sex Offender Registration Act (Correction Law art 6-C), the Supreme Court properly classified the defendant as a level two sexually violent offender (Correction Law § 168-a[3][a]; *see* *People v Whibby*, 50 AD3d 873).

The defendant's remaining contentions are without merit.

July 18, 2012

PEOPLE OF STATE OF NEW YORK v GOLLIVER

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FLORIO, J.P., BALKIN, HALL and MILLER, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court