

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

D36242
G/kmb

_____AD3d_____

Submitted - September 20, 2012

RANDALL T. ENG, P.J.
PETER B. SKELOS
PLUMMER E. LOTT
JEFFREY A. COHEN, JJ.

2011-04916

DECISION & ORDER

People of State of New York, respondent, v
Claude Gulley, Jr., appellant.

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

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

Appeal by the defendant, as limited by his brief, from so much of an order of the
County Court, Suffolk County (Kahn, J.), dated May 10, 2011, as, after a hearing, designated him
a level two sex offender pursuant to Correction Law article 6-C.

ORDERED that the order is affirmed insofar as appealed from, without costs or
disbursements.

The County Court properly designated the defendant a level two sex offender.
Contrary to the defendant's contention, the County Court properly determined that the assessment
of 15 points under risk factor 11 (Drug or Alcohol Abuse-History of Abuse) of the risk assessment
instrument was supported by clear and convincing evidence. The case summary prepared by the
Board of Examiners of Sex Offenders and the defendant's own testimony at the risk level assessment
hearing established that the defendant had a history of alcohol and drug abuse (*see People v
Crandall*, 90 AD3d 628, 629; *People v Murphy*, 68 AD3d 832, 833; *People v Williams*, 34 AD3d
662, 663; *People v Masters*, 19 AD3d 387).

ENG, P.J., SKELOS, LOTT and COHEN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

October 24, 2012

PEOPLE OF STATE OF NEW YORK v GULLEY