

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

**788**

**KA 07-01525**

PRESENT: HURLBUTT, J.P., SMITH, CENTRA, PINE, AND GORSKI, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

ORDER

MICHAEL C. MOTZER, DEFENDANT-APPELLANT.

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TULLY RINCKEY PLLC, ALBANY (GREG T. RINCKEY OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

JOSEPH V. CARDONE, DISTRICT ATTORNEY, ALBION (KATHERINE BOGAN OF  
COUNSEL), FOR RESPONDENT.

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Appeal from an order of the Orleans County Court (James P. Punch,  
J.), entered May 29, 2007. The order determined that defendant is a  
level three risk pursuant to the Sex Offender Registration Act.

It is hereby ORDERED that the order so appealed from is  
unanimously affirmed without costs.

Entered: June 5, 2009

Patricia L. Morgan  
Clerk of the Court