

State of New York Court of Appeals

MEMORANDUM

This memorandum is uncorrected and subject to revision before publication in the New York Reports.

No. 130 SSM 6
The People &c.,
Respondent,
v.
Gary Pamperien,
Appellant.

Submitted by Genevieve M. Cahill, for appellant.
Submitted by Kim Marie Carson, for respondent.

MEMORANDUM:

The order of the Appellate Division should be affirmed, without costs.

Defendant's challenge to his designation as a sexually violent offender is moot because, after we granted leave, County Court removed that designation.

Defendant's challenges to his risk level classification, to the extent preserved, are meritless. The record supports the points assessed, and defendant's argument that he should have been granted a downward departure does not warrant reversal.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, without costs, in a memorandum. Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

Decided December 16, 2025