

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

D54652
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_____AD3d_____

Submitted - November 2, 2017

REINALDO E. RIVERA, J.P.
JEFFREY A. COHEN
SYLVIA O. HINDS-RADIX
VALERIE BRATHWAITE NELSON, JJ.

2017-02718

DECISION & ORDER

People of State of New York, respondent, v Brian
T. McClane, appellant.

Laurette D. Mulry, Riverhead, NY (Kirk R. Brandt of counsel), for appellant.

Timothy Sini, District Attorney, Riverhead, NY (Edward A. Bannan of counsel), for
respondent.

Appeal by the defendant from an order of the County Court, Suffolk County (Barbara
Kahn, J.), dated February 22, 2017, which, after a hearing, designated him a level three 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 County Court properly designated him a
level three sex offender and correctly denied his request for a downward departure (*see* Correction
Law § 168-n[3]; *People v Gillotti*, 23 NY3d 841, 861; *People v Johnson*, 11 NY3d 416; *People v*
Wyatt, 89 AD3d 112, 128).

RIVERA, J.P., COHEN, HINDS-RADIX and BRATHWAITE NELSON, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

February 21, 2018

PEOPLE OF STATE OF NEW YORK v McCLANE