

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

D54934
N/htr

_____AD3d_____

Submitted - December 4, 2017

JOHN M. LEVENTHAL, J.P.
SYLVIA O. HINDS-RADIX
HECTOR D. LASALLE
VALERIE BRATHWAITE NELSON, JJ.

2015-03971
2015-03975

DECISION & ORDER

People of State of New York, respondent,
v Christopher Collins, appellant.

N. Scott Banks, Hempstead, NY (Tammy Feman and Marquetta Christy of counsel),
for appellant.

Madeline Singas, District Attorney, Mineola, NY (Kevin King of counsel; Victoria
Massimino on the brief), for respondent.

Appeals by the defendant from two orders of the Supreme Court, Nassau County
(Teresa K. Corrigan, J.), both dated April 20, 2015, which, after a hearing, designated him a level
two sex offender pursuant to Correction Law article 6-C.

ORDERED that the orders are affirmed, without costs or disbursements.

Contrary to the defendant's contention, the Supreme Court properly assessed 15
points against him under risk factor 11, since the People established, by clear and convincing
evidence, that the defendant had a history of drug abuse (*see People v Dipilato*, 155 AD3d 792).
Contrary to his further contention, the Supreme Court properly assessed 10 points against him under
risk factor 12. The defendant's statements, considered together, do not reflect a genuine acceptance
of responsibility, and, thus, the People established, by clear and convincing evidence, that he failed
to accept responsibility for his criminal conduct (*cf. People v Vega*, 79 AD3d 718, 719).

Accordingly, the Supreme Court properly designated the defendant a level two sex
offender pursuant to Correction Law 6-C.

LEVENTHAL, J.P., HINDS-RADIX, LASALLE and BRATHWAITE NELSON, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

March 28, 2018

PEOPLE OF STATE OF NEW YORK v COLLINS