

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

D55439
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_____AD3d_____

Submitted - February 5, 2018

ALAN D. SCHEINKMAN, P.J.
JOHN M. LEVENTHAL
ROBERT J. MILLER
VALERIE BRATHWAITE NELSON, JJ.

2011-06517

DECISION & ORDER

People of State of New York, respondent, v Clarence
Sharrock, appellant.

Clare J. Degnan, White Plains, NY (David B. Weisfuse of counsel), for appellant.

Anthony A. Scarpino, Jr., District Attorney, White Plains, NY (Brian R. Pouliot and
William C. Milaccio of counsel), for respondent.

Appeal by the defendant from an amended order of the County Court, Westchester
County (Susan Cacace, J.), entered May 20, 2011, which, after a hearing, designated him a level
three sex offender pursuant to Correction Law article 6-C.

ORDERED that the amended order is affirmed, without costs or disbursements.

The defendant appeals from an amended order, made after a hearing, designating him
a level three sex offender pursuant to the Sex Offender Registration Act (*see* Correction Law art 6-
C).

Contrary to the defendant's contention, the County Court properly assessed 30 points
against him under risk factor 5 of the risk assessment instrument, since the People established, by
clear and convincing evidence, that the victim was 10 years old when the sexual misconduct by the
defendant against her began (*see* Sex Offender Registration Act: Risk Assessment Guidelines and
Commentary at 11 [2006]; *People v Morrell*, 139 AD3d 835, 835-836). Contrary to the defendant's
further contention, the 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 or

alcohol abuse (*see People v Dipilato*, 155 AD3d 792, 793; *People v Dallas*, 122 AD3d 698, 699).

SCHEINKMAN, P.J., LEVENTHAL, MILLER and BRATHWAITE NELSON, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court