

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

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_____AD3d_____

Argued - February 8, 2018

WILLIAM F. MASTRO, J.P.
REINALDO E. RIVERA
SYLVIA O. HINDS-RADIX
ANGELA G. IANNACCI, JJ.

2015-12388

DECISION & ORDER

People of State of New York, respondent,
v Zibeon Roundtree, appellant.

Paul Skip Laisure, New York, NY (Anders Nelson of counsel), for appellant.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove, Anthea H. Bruffee, and Daniel Berman of counsel), for respondent.

Appeal by the defendant from an order of the Supreme Court, Kings County (Albert Tomei, J.), dated December 8, 2015, which, after a hearing, designated him a level two sex offender pursuant to Correction Law article 6-C.

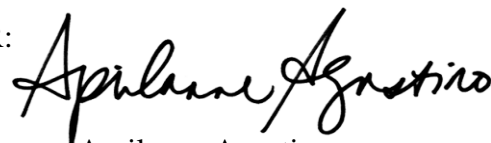
ORDERED that the order is affirmed, without costs or disbursements.

Contrary to the defendant's contention, the Supreme Court properly assessed 30 points under risk factor three of the risk assessment instrument (*see People v Gillotti*, 23 NY3d 841; *People v Johnson*, 11 NY3d 416; *People v Noeker*, 156 AD3d 733; *People v Young*, 152 AD3d 628; *People v Colon*, 146 AD3d 822; *People v Destio*, 145 AD3d 1047). Further, the court did not improvidently exercise its discretion in declining to downwardly depart from the presumptive risk level (*see People v Young*, 152 AD3d at 628; *People v Rossano*, 140 AD3d 1042).

Accordingly, the Supreme Court properly designated the defendant a level two sex offender.

MASTRO, J.P., RIVERA, HINDS-RADIX and IANNACCI, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

June 6, 2018

PEOPLE OF STATE OF NEW YORK v ROUNDTREE