

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

D55664  
M/htr

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - February 13, 2018

RUTH C. BALKIN, J.P.  
LEONARD B. AUSTIN  
SANDRA L. SGROI  
VALERIE BRATHWAITE NELSON, JJ.

---

2016-00807

DECISION & ORDER

People of State of New York, respondent,  
v Guillermo Tambriz, appellant.

---

Seymour W. James, Jr., New York, NY (Ellen Dille of counsel), for appellant.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove and Morgan J. Dennehy of counsel; Masha Simonova on the brief), for respondent.

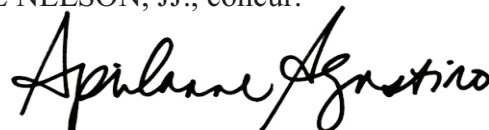
Appeal by the defendant from an order of the Supreme Court, Kings County (Miriam Cyrulnik, J.), dated December 15, 2015, which, after a hearing, designated him a level two sex offender pursuant to Correction Law article 6-C.

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

In this proceeding under the Sex Offender Registration Act (*see* Correction Law § 168 *et seq.*), the defendant challenges the assessment of 20 points under risk factor 3 of the risk assessment instrument (number of victims). We find no basis to overturn the Supreme Court's assessment of points under this risk factor. The evidence at the hearing, which included, among other things, the felony complaint and the presentence report, constituted clear and convincing evidence that there were two victims (*see People v Mingo*, 12 NY3d 563, 572; *People v Alas*, 140 AD3d 841, 841; *People v Arocho*, 130 AD3d 996, 997; *People v DeJesus*, 127 AD3d 1047, 1047; *People v Patronick*, 117 AD3d 1018, 1019; *People v Dash*, 111 AD3d 907, 908). Since the assessment of a total of 80 points on the risk assessment instrument was appropriate, we agree with the court's designation of the defendant as a level two sex offender.

BALKIN, J.P., AUSTIN, SGROI and BRATHWAITE NELSON, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

June 13, 2018

PEOPLE OF STATE OF NEW YORK v TAMBRIZ