

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

D21616
G/kmg

_____AD3d_____

Submitted - December 2, 2008

WILLIAM F. MASTRO, J.P.
STEVEN W. FISHER
HOWARD MILLER
EDWARD D. CARNI, JJ.

2005-01551

DECISION & ORDER

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

Kent V. Moston, Hempstead, N.Y. (Jeremy L. Goldberg and Argun M. Ulgen of counsel), for appellant.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Margaret E. Mainusch of counsel; Sean Baker on the brief), for respondent.

Appeal by the defendant from an order of the County Court, Nassau County (Belfi, J.), dated October 30, 2003, which, after a hearing, designated him a level three sex offender pursuant to Correction Law article 6-C.

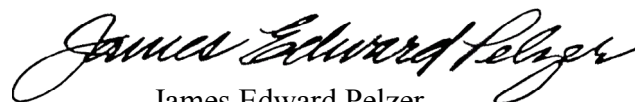
ORDERED that the order is affirmed, without costs or disbursements.

The County Court's determination to assess the defendant 30 points for risk factor 1, 10 points for risk factor 12, and 10 points for risk factor 13, was supported by clear and convincing evidence based on the facts contained in the presentence report, the case summary prepared by the Board of Examiners of Sex Offenders, and the risk assessment instrument (*see People v Alvarez*, 49 AD3d 704; *People v Jordan*, 48 AD3d 535).

The defendant's remaining contentions are without merit.

MASTRO, J.P., FISHER, MILLER and CARNI, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 23, 2008

PEOPLE OF STATE OF NEW YORK v COLLINS