

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

1171

KA 11-02025

PRESENT: SMITH, J.P., FAHEY, SCONIERS, VALENTINO, AND WHALEN, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

LAWRENCE J. WALTER, DEFENDANT-APPELLANT.

FRANK J. NEBUSH, JR., PUBLIC DEFENDER, UTICA (PATRICK J. MARTHAGE OF COUNSEL), FOR DEFENDANT-APPELLANT.

SCOTT D. MCNAMARA, DISTRICT ATTORNEY, UTICA (STEVEN G. COX OF COUNSEL), FOR RESPONDENT.

Appeal from an order of the Supreme Court, Oneida County (Barry M. Donalty, A.J.), entered August 8, 2011. The order determined that defendant is a level three risk pursuant to the Sex Offender Registration Act.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Memorandum: On appeal from an order determining that he is a level three risk pursuant to the Sex Offender Registration Act ([SORA] Correction Law § 168 *et seq.*), defendant contends that Supreme Court erred in considering unreliable hearsay when making its SORA determination. "Because defendant's evidentiary objection[s] . . . [were] made on a different ground than the 'unreliable hearsay' ground he raises on appeal, his contention that the court erred in [considering the challenged] evidence is not preserved for our review" (*People v Law*, 94 AD3d 1561, 1562, *lv denied* 19 NY3d 809; see *People v Wragg*, 41 AD3d 1273, 1273-1274, *lv denied* 9 NY3d 809; *People v Smith*, 17 AD3d 1045, 1045, *lv denied* 5 NY3d 705).

Entered: November 9, 2012

Frances E. Cafarell
Clerk of the Court