

APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, THIRD DEPARTMENT

People of the State of New York v. Bryan A. Pribble

People v. Pribble, 2025 NY Slip Op 06936 · No. CV-23-2161 · Decided December 11, 2025

SUMMARY

The New York Appellate Division, Third Department reversed an order classifying Bryan A. Pribble as a risk level two sex offender under the Sex Offender Registration Act. The court held that the County Court failed to make adequate findings of fact and conclusions of law, preventing meaningful appellate review, and that defense counsel provided ineffective assistance by failing to seek a downward departure concerning risk factor 9. The matter was remitted for a new hearing with different counsel.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Powers, J.; Clark, J.P.; Reynolds Fitzgerald, J.; Lynch, J.; Ceresia, J.
JURISDICTION	New York Appellate Division, Third Department
DECIDED	December 11, 2025
DOCKET	CV-23-2161
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed from an order of the County Court of St. Lawrence County classifying him as a risk level two sex offender under the Sex Offender Registration Act and denying his request for a downward departure.
STANDARD OF REVIEW	The appellate court required findings of fact and conclusions of law sufficient to permit meaningful appellate review. Risk-factor points had to be established by clear and convincing evidence, while a defendant seeking a downward departure had to establish mitigating factors by a preponderance of the evidence. Ineffective assistance was evaluated under New York's meaningful-representation standard.
PRECEDENTIAL VALUE	Published intermediate appellate opinion
PARTIES	Bryan A. Pribble v. The People of the State of New York

TOPICS

criminal procedure

ineffective assistance

appellate procedure

standard of review

PRACTICE AREAS

criminal procedure

sex offender registration

ineffective assistance of counsel

appellate procedure

QUESTIONS PRESENTED

1. Whether County Court's conclusory findings regarding the assessment of risk-factor points permitted meaningful appellate review under Correction Law § 168-n (3).
2. Whether defendant received meaningful representation when counsel failed to request a downward departure based on the absence of sexual misconduct underlying the prior endangering-the-welfare-of-a-child conviction used to assess 30 points under risk factor 9.
3. Whether the case required remittal for a new risk-level hearing and assignment of different counsel.

HOLDINGS

1. County Court's conclusory statement that the points were supported by clear and convincing evidence did not satisfy Correction Law § 168-n (3); the absence of findings of fact and conclusions of law precluded meaningful appellate review and independently required remittal.
2. Defendant was denied meaningful representation because counsel failed to request a downward departure concerning risk factor 9 even though the record provided a colorable basis to argue that the prior conviction involved no sexual misconduct.
3. Upon remittal, defendant was entitled to a new risk-level hearing and assignment of different counsel.

KEY QUOTATIONS

*“The failure to include the necessary findings prevents this Court from conducting a meaningful appellate review of defendant's designation as a risk level two sex offender and would, alone, require remittal for County Court to comply with the statute” (*1)*

*“To establish a claim of ineffective assistance of counsel, a defendant is required to demonstrate that he or she was not provided meaningful representation and that there is an absence of strategic or other legitimate explanations for counsel's allegedly deficient conduct.” (*2)*

*“In sum, the circumstances of this case, viewed in totality, reveal that defendant's counsel did not provide meaningful representation at the hearing” (*3)*

FACTUAL BACKGROUND

In 2019, defendant was convicted of first-degree sexual abuse and sentenced to four years' imprisonment followed by three years of postrelease supervision. Before his anticipated 2023 release, the Board of Examiners of Sex Offenders prepared a risk assessment instrument presumptively assigning 80 points and a risk level two classification. The assessment included 30 points for a prior conviction of endangering the welfare of a child,

which arose from drug sales in defendant's home while his minor children were present and his assault of his adult sister in their presence; the record indicated no sexual misconduct underlying that conviction.

PROCEDURAL HISTORY

Following a risk-assessment hearing, County Court accepted the Board of Examiners of Sex Offenders' 80-point assessment, denied defendant's request for a downward departure, and classified him as a risk level two sex offender with a sexually violent offender designation. Defendant appealed. The Appellate Division reversed and remitted for further proceedings, including a new hearing with different counsel.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remit to the County Court of St. Lawrence County for further proceedings not inconsistent with the decision, including a new risk-level hearing with assignment of different counsel and adequate findings of fact and conclusions of law.

CASES CITED

- People v. VonRapacki, 204 AD3d 41 (3d Dept 2022)
- People v. Wilcox, 221 AD3d 1370 (3d Dept 2023)
- People v. Trimboli, 236 AD3d 1247, 1249 (3d Dept 2025)
- People v. Eason, 233 AD3d 1194, 1195 (3d Dept 2024), lv denied 43 NY3d 903 (2025)
- People v. Echols, 207 AD3d 478, 479-480 (2d Dept 2022)
- People v. Morancis, 201 AD3d 751, 751 (2d Dept 2022)
- People v. Bellinger, 233 AD3d 1331, 1333 (3d Dept 2024)
- People v. Sincerbeaux, 27 NY3d 683, 689 (2016)
- People v. McVie, 213 AD3d 783, 784 (2d Dept 2023), lv denied 39 NY3d 914 (2023)
- People v. Davis, 139 AD3d 1226, 1227 (3d Dept 2016)