

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

People v. Young

2026 NY Slip Op 00431 (Supreme Court of the State of New York Appellate Division First Department 2026) ·
No. Case No. 2022-01836; Appeal No. 5708; Ind. No. 2429/17 · Decided January 29, 2026

SUMMARY

The Appellate Division, First Department unanimously affirmed an order adjudicating Daniel Young a level two sex offender under the Sex Offender Registration Act. The court held that the lower court properly denied a downward departure, finding that the cited mitigating factors were outweighed by the seriousness of the offense, the defendant's criminal and parole-violation history, and the lack of evidence showing an exceptional response to treatment or reduced risk of reoffending.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Scarpulla, J.P.; Kapnick, J.; González, J.; Shulman, J.; O'Neill Levy, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	January 29, 2026
DOCKET	Case No. 2022-01836; Appeal No. 5708; Ind. No. 2429/17
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from an order of Supreme Court, New York County, adjudicating him a risk level two sex offender under the Sex Offender Registration Act.
STANDARD OF REVIEW	Abuse of discretion for the SORA court's denial of a downward departure; the Appellate Division may also exercise independent discretion in adjudicating the offender's risk level.
PRECEDENTIAL VALUE	Published intermediate appellate decision
PARTIES	Daniel Young, Defendant-Appellant v. The People of the State of New York, Respondent

TOPICS

- criminal procedure
- appellate procedure
- standard of review
- sentencing

PRACTICE AREAS

criminal procedure

sex offender registration and risk-level adjudication

appellate procedure

QUESTIONS PRESENTED

1. Whether the SORA court providently exercised its discretion in denying defendant's request for a downward departure from risk level two to risk level one.
2. Whether the Appellate Division should exercise its independent discretion to adjudicate defendant a level one sex offender.

HOLDINGS

1. The SORA court providently exercised its discretion when it declined to grant defendant a downward departure from risk level two.
2. There was no basis for the Appellate Division to exercise its independent discretion to adjudicate defendant a level one offender.

KEY QUOTATIONS

“The court providently exercised its discretion when it declined to grant a downward departure, and there is no basis for this Court to exercise its independent discretion to adjudicate defendant a level one offender”
(*1)

“Defendant presented no evidence that his response to sex offender treatment was the kind of “exceptional” response for which the risk assessment instrument did not account” (*1)

FACTUAL BACKGROUND

Defendant was adjudicated a risk level two sex offender under SORA based on an offense against a young child who was a stranger to him. He sought a downward departure based on mitigating circumstances including remorse, treatment completion, family support, vocational training, religious-community participation, and social-science research. The court also considered defendant's extensive criminal history, parole violations, and the absence of expert testimony or other evidence establishing an exceptional treatment response or reduced risk of reoffending.

PROCEDURAL HISTORY

Supreme Court, New York County, entered an order on or about April 11, 2022, adjudicating defendant a level two sex offender under SORA and declining a downward departure to level one. Defendant appealed, and the Appellate Division, First Department, unanimously affirmed without costs.

DISPOSITION

affirmed

CASES CITED

- People v. Gillotti, 23 NY3d 841, 861 (2014)
- People v. Medina, 189 AD3d 588, 588 (1st Dept. 2020), lv denied 36 NY3d 913 (2021)
- People v. Johnson, 11 NY3d 416, 419 (2008)
- People v. Goldbeck, 104 AD3d 567, 567 (1st Dept. 2013), lv denied 21 NY3d 860 (2013)
- People v. Galloway, 93 AD3d 575 (1st Dept. 2012), lv denied 19 NY3d 806 (2012)
- People v. Frederick, 238 AD3d 493, 494 (1st Dept. 2025), lv denied 44 NY3d 908 (2025)
- People v. Perez, 226 AD3d 487 (1st Dept. 2024), lv denied 42 NY3d 905 (2024)
- People v. Bonnemere, 201 AD3d 475, 475 (1st Dept. 2022)
- People v. Ortega, 209 AD3d 540, 540 (1st Dept. 2022), lv denied 39 NY3d 908 (2023)
- People v. Bevel, 224 AD3d 430, 431 (1st Dept. 2024), lv denied 42 NY3d 902 (2024)
- People v. Jones, 226 AD3d 1265, 1267 (3d Dept. 2024), lv denied 42 NY3d 907 (2024)
- People v. Castillo, 211 AD3d 648, 649 (1st Dept. 2022), lv denied 39 NY3d 912 (2023)

OPINION

PER CURIAM.

People v Young (2026 NY Slip Op 00431) People v Young 2026 NY Slip Op 00431 Decided on January 29, 2026 Appellate Division, First Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided and Entered: January 29, 2026 Before: Scarpulla, J.P., Kapnick, González, Shulman, O'Neill Levy, JJ. Ind No. 2429/17|Appeal No. 5708|Case No. 2022-01836| [*1]The People of the State of New York, Respondent, v Daniel Young, Defendant-Appellant.

Jenay Nurse Guilford, Center for Appellate Litigation, New York (Hanna Wallace of counsel), for appellant. Alvin L. Bragg, Jr., District Attorney, New York (Amanda Katherine Regan of counsel), for respondent. Order, Supreme Court, New York County (Ruth Pickholz, J.), entered on or about April 11, 2022, which, adjudicated defendant a risk level two sex offender pursuant to the Sex Offender Registration Act (SORA) (Correction Law art 6-C), unanimously affirmed, without costs.

The court providently exercised its discretion when it declined to grant a downward departure, and there is no basis for this Court to exercise its independent discretion to adjudicate defendant a level one offender (see People v Gillotti, 23 NY3d 841, 861 [2014]).

The mitigating factors defendant cites were "outweighed by the seriousness of the underlying offense against a young child" (People v Medina, 189 AD3d 588, 588 [1st Dept 2020], lv denied 36 NY3d 913 [2021]), who was a stranger to him (see People v Johnson, 11 NY3d 416, 419 [2008]), and by defendant's extensive criminal history (see People v Goldbeck, 104 AD3d 567, 567 [1st Dept 2013], lv denied 21 NY3d 860 [2013]) and history of parole violations, including

the underlying offense (see *People v Galloway*, 93 AD3d 575 [1st Dept 2012], lv denied 19 NY3d 806 [2012]).

Defendant's expressions of remorse, completion of substance abuse and sex offender treatment, family support, and participation in vocational training were adequately taken into account by the risk assessment instrument (see *People v Frederick*, 238 AD3d 493, 494 [1st Dept 2025], lv denied 44 NY3d 908 [2025]; *People v Perez*, 226 AD3d 487 [1st Dept 2024], lv denied 42 NY3d 905 [2024]).

Defendant presented no evidence that his response to sex offender treatment was the kind of "exceptional" response for which the risk assessment instrument did not account (*People v Bonnemere*, 201 AD3d 475, 475 [1st Dept 2022]). His "successful completion of substance abuse treatment... while incarcerated" did not warrant a downward departure because it "had minimal bearing on his risk of reoffense once he was released" (*People v Ortega*, 209 AD3d 540, 540 [1st Dept 2022], lv denied 39 NY3d 908 [2023]).

Under the totality of the circumstances presented, neither defendant's family support nor his active participation in his religious community while in prison warrant a downward departure (see *People v Bevel*, 224 AD3d 430, 431 [1st Dept 2024], lv denied 42 NY3d 902 [2024]; *People v Jones*, 226 AD3d 1265, 1267 [3d Dept 2024], lv denied 42 NY3d 907 [2024]).

Finally, defendant's presentation of social science research is unavailing because the studies defendant cites are "insufficiently connected to defendant's specific risk of reoffense" (*People v Castillo*, 211 AD3d 648, 649 [1st Dept 2022], lv denied 39 NY3d 912 [2023]). Defendant "did not present any expert testimony or other evidence at the hearing that might have allowed the SORA court to make a finding" that these factors made him "less likely to reoffend" (*Frederick*, 238 AD3d at 494 [internal quotation marks omitted]).

THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: January 29, 2026