

**SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT**

People v. Mazzio

Mazzio, 2026 NY Slip Op 03461 (Supreme Court of the State of New York Appellate Division Second Judicial Department 2026) · No. 2025-12809 · Decided June 3, 2026

SUMMARY

The Appellate Division, Second Department, affirmed an order designating Eugene Mazzio a level three sex offender under the Sex Offender Registration Act. The court upheld the assessment of 20 points for unsatisfactory conduct involving sexual misconduct while confined and held that the request for a downward departure was unpreserved and, alternatively, unsupported.

OPINION

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PER CURIAM.

People v Mazzio - 2026 NY Slip Op 03461 skip to main content It appears you are using Adblock. Please disable Adblock to best experience our website. Law Reporting Bureau Thomas J.K. Smith, State Reporter Court Decisions Resources About Home All Court Decisions Decisions People v Mazzio 2026 NY Slip Op 03461 June 3, 2026 Appellate Division, Second Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This decision is uncorrected and subject to revision before publication in the Official Reports. The People of the State of New York, respondent, v Eugene Mazzio, appellant. Supreme Court of the State of New York, Appellate Division, Second Judicial Department Decided on June 3, 2026 2025-12809 Mark C. Dillon, J.P. Lillian Wan Lourdes M. Ventura Susan Quirk, JJ. Jeffrey D. Cohen, Kew Gardens, NY, for appellant. Melinda Katz, District Attorney, Kew Gardens, NY (Johnnette Traill and Nancy Fitzpatrick Talcott of counsel; Dallas S. Droz on the brief), for respondent. [*1] DECISION & ORDER Appeal by the defendant from an order of the Supreme Court, Queens County (Ira H. Margulis, J.), dated October 17, 2025, 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. Following a hearing pursuant to the Sex Offender Registration Act (SORA) (Correction Law art 6-C), the Supreme Court designated the defendant a level three sex offender. The defendant appeals. Contrary to the defendant's contention, the Supreme Court properly assessed the defendant 20 points on the risk assessment instrument under risk factor 13 for the defendant's unsatisfactory conduct with sexual misconduct while confined (see People v Padgett , 170 AD3d 1054 , 1054; People v LeGrand , 152 AD3d 722, 722 ; People v Lawson , 90 AD3d 1006, 1007). The defendant's contention that he is entitled to a downward departure based

on purported mitigating factors is unpreserved for appellate review because he did not request a downward departure at the SORA hearing (see *People v Aguirre* , 217 AD3d 784 , 784; *People v Titone* , 209 AD3d 888, 889). In any event, the defendant failed to establish that a downward departure was warranted. DILLON, J.P., WAN, VENTURA and QUIRK, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.