

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

People v. Greene

2026 NY Slip Op 02160 · No. Ind No. 2854/19; Appeal No. 6310; Case No. 2021-04660 · Decided April 9, 2026

SUMMARY

The Appellate Division, First Department unanimously affirmed an order adjudicating Dasheim Greene a level two sex offender under the Sex Offender Registration Act. The court upheld the assessment of risk-factor points and declined to grant a downward departure.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Kennedy, J.P.; Kapnick, J.; Higgitt, J.; Michael, J.; Chan, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	April 9, 2026
DOCKET	Ind No. 2854/19; Appeal No. 6310; Case No. 2021-04660
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from an order of Supreme Court, New York County, adjudicating him a level two sex offender under the Sex Offender Registration Act.
STANDARD OF REVIEW	The Appellate Division reviewed the SORA court's assessment of risk-factor points and its denial of a downward departure for abuse of discretion, while determining whether the risk-factor assessments were supported by clear and convincing evidence.
PRECEDENTIAL VALUE	Published intermediate appellate decision
PARTIES	Dasheim Greene, Defendant-Appellant v. The People of the State of New York, Respondent

TOPICS

- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the assessment of 30 points under SORA risk factor 3 was supported by clear and convincing evidence.
2. Whether points were properly assessed under SORA risk factor 7 based on defendant's relationship with the victims.
3. Whether the SORA court providently exercised its discretion in denying defendant's request for a downward departure.

HOLDINGS

1. The assessment of 30 points under risk factor 3 was proper because clear and convincing evidence established that defendant victimized three young girls by sexually exploiting them for his personal gain.
2. The assessment of points under risk factor 7 was proper because the evidence clearly established that defendant at least promoted the relationship for purposes of victimization, regardless of the circumstances under which the parties met.
3. The SORA court providently exercised its discretion in declining to grant a downward departure, and defendant provided no basis for the Appellate Division to exercise its own discretion to grant one.

FACTUAL BACKGROUND

The evidence showed that defendant victimized three young girls by sexually exploiting them for his own personal gain. The evidence also established that defendant at least promoted his relationship with the victims for purposes of that victimization. Defendant sought a downward departure from the resulting SORA risk assessment, citing mitigating factors.

PROCEDURAL HISTORY

Supreme Court, New York County, adjudicated defendant a level two sex offender pursuant to the Sex Offender Registration Act. The Appellate Division, First Department, unanimously affirmed the order without costs.

DISPOSITION

affirmed

CASES CITED

- *People v. Torres*, 220 AD3d 514 (1st Dept 2023), lv denied 41 NY3d 908 (2024)
- *People v. Brunson*, 154 AD3d 499, 499 (1st Dept 2017), lv denied 30 NY3d 908 (2018)
- *People v. Cook*, 29 NY3d 121, 126 (2017)
- *People v. Gillotti*, 23 NY3d 841, 861 (2014)

OPINION

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PER CURIAM.

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April 9, 2026

Appellate Division, First Department

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This decision is uncorrected and subject to revision before publication in the Official Reports.

The People of the State of New York, Respondent,

v

Dasheim Greene, Defendant-Appellant.

Decided and Entered: April 09, 2026

Ind No. 2854/19|Appeal No. 6310|Case No. 2021-04660|

Before: Kennedy, J.P., Kapnick, Higgitt, Michael, Chan, JJ.

Twyla Carter, The Legal Aid Society, New York (William B. Carney of counsel), for appellant.

Alvin L. Bragg, Jr., District Attorney, New York (Andrew Kim of counsel), for respondent.

Order, Supreme Court, New York County (Curtis J. Farber, J.), entered on or about July 19, 2023, which adjudicated defendant a level two sex offender pursuant to the Sex Offender Registration Act (Correction Law art 6-C), unanimously affirmed, without costs.

The court's assessment of 30 points under risk factor 3 was supported by clear and convincing evidence that the defendant victimized three young girls by sexually exploiting them for his own personal gain (*see* Sex Offender Registration Act: Risk Assessment Guidelines and Commentary at 10 [2006]; *see also* *People v Torres*, 220 AD3d 514 [1st Dept 2023], *lv denied* 41 NY3d 908 [2024]).

Defendant was also properly assessed points under risk factor 7 for his relationship with the victims "because the evidence clearly established that defendant at least promoted the relationship for the purpose of such victimization," regardless of the circumstances under which they met (*People v Brunson*, 154 AD3d 499, 499 [1st Dept 2017], *lv denied* 30 NY3d 908 [2018]; *see also* *People v Cook*, 29 NY3d 121, 126 [2017]).

The SORA court providently exercised its discretion in declining to grant a downward departure, and defendant has set forth no basis for this Court to exercise its discretion to grant the departure (*see* *People v Gillotti*, 23 NY3d 841, 861 [2014]). The mitigating factors cited by defendant either were adequately taken into account by the risk assessment instrument or were outweighed by aggravating factors including the seriousness of his offenses.

THIS CONSTITUTES THE DECISION AND ORDER

OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.</p>

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