

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

People of the State of New York v. Luis Parada

2026 NY Slip Op 01320 · No. Ind. No. 3800/06; Appeal No. 6028; Case No. 2023-04296 · Decided March 10,
2026

SUMMARY

The Appellate Division, First Department unanimously affirmed an order adjudicating Luis Parada a level two sexually violent offender under the Sex Offender Registration Act. The court held that Supreme Court providently exercised its discretion in denying a downward departure because the mitigating considerations were largely accounted for in the risk assessment and were outweighed by the seriousness of the underlying conduct.

CASE DETAILS

COURT	Appellate Division, First Department, Supreme Court of the State of New York
WRITING FOR THE COURT	Renwick, P.J.; Kennedy, J.; Friedman, J.; Mendez, J.; Hagler, J.
JURISDICTION	Appellate Division, First Department, New York
DECIDED	March 10, 2026
DOCKET	Ind. No. 3800/06; Appeal No. 6028; Case No. 2023-04296
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from an order adjudicating him a level two sexually violent offender under the Sex Offender Registration Act.
STANDARD OF REVIEW	Abuse of discretion; whether Supreme Court providently exercised its discretion in denying a downward departure.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Luis Parada, 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 Supreme Court providently exercised its discretion in declining to grant defendant a downward departure from the presumptive sex-offender risk level.

HOLDINGS

1. Supreme Court providently exercised its discretion in denying a downward departure because most of defendant's claimed mitigating circumstances were accounted for in the Board's risk assessment instrument, and any unaccounted-for considerations were plainly outweighed by the seriousness of the underlying criminal conduct.

KEY QUOTATIONS

“The substantial majority of the considerations advanced by defendant as mitigating circumstances were clearly and adequately accounted for in the RAI issued by the Board and, to the extent that defendant identifies considerations that were not, they were plainly outweighed by the seriousness of the underlying criminal conduct” ([*1])

FACTUAL BACKGROUND

Defendant was adjudicated a level two sexually violent offender under the Sex Offender Registration Act. The underlying criminal conduct involved repeated anal rape over a two-year period of a girl who was seven or eight years old when the abuse began and who had been entrusted to defendant's care as a babysitter. Defendant identified mitigating circumstances in seeking a downward departure, but the court concluded that most had been accounted for in the Board's risk assessment instrument and that any remaining considerations were outweighed by the seriousness of the conduct.

PROCEDURAL HISTORY

Supreme Court, New York County, entered an order on or about August 3, 2023, adjudicating defendant a level two sexually violent offender under Correction Law article 6-C. The Appellate Division, First Department, unanimously affirmed the order and upheld the denial of defendant's request for a downward departure.

DISPOSITION

affirmed

CASES CITED

- People v. Gillotti, 23 NY3d 841, 861 (2014)
- People v. Saxton, 231 AD3d 557 (1st Dept 2024), lv denied 42 NY3d 913 (2025)
- People v. Simmons, 123 AD3d 617 (1st Dept 2014), lv denied 25 NY3d 985 (2015)
- People v. Cabrera, 91 AD3d 655 (1st Dept 2021)

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