

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

People v. Accurso

2026 NY Slip Op 03989 (N.Y. Ct. App. 2026) · No. 2025-09034 · Decided June 24, 2026

SUMMARY

The New York Appellate Division, Second Department, affirmed an order designating Joseph Accurso a level two sex offender under the Sex Offender Registration Act. The court held that the assessment of 15 points under risk factor 11 was proper and that the defendant's request for a downward departure was unpreserved and, alternatively, unsupported.

OPINION

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PER CURIAM.

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under risk factor 11 based on the defendant's admissions (see *People v Barry* , 213 AD3d 779, 780 ; *People v Jones* , 130 AD3d 601, 601). The defendant's contention that a downward departure from his presumptive risk level was warranted based on purported mitigating factors is unpreserved for appellate review, since he did not request a downward departure at the SORA hearing (see *People v Franco* , 234 AD3d 723 , 724; *People v Pomavilla-Loja* , 230 AD3d 1359 , 1359). In any event, the defendant failed to establish that a downward departure was warranted (see *People v Gillotti* , 23 NY3d 841, 861 ; *People v Hammack* , 225 AD3d 795 , 796; *People v Evelyn-Moe* , 217 AD3d 889, 890). Accordingly, the Supreme Court properly designated the defendant a level two sex offender. IANNACCI, J.P., VOUTSINAS, TAYLOR and MCCORMACK, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court

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