

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.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Angela G. Iannacci, J.P.; Helen Voutsinas, J.; Janice A. Taylor, J.; James P. McCormack, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	June 24, 2026
DOCKET	2025-09034
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendant appealed from an order of the Supreme Court, Queens County, entered after a Sex Offender Registration Act hearing, that designated him a level two sex offender.
STANDARD OF REVIEW	The court reviewed the propriety of the risk-factor assessment and whether the defendant preserved his request for a downward departure; an unpreserved claim was not reviewable, and the court alternatively determined that the defendant failed to establish entitlement to a downward departure.
PRECEDENTIAL VALUE	published
PARTIES	Joseph Accurso v. The People of the State of New York

TOPICS

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QUESTIONS PRESENTED

1. Whether the Supreme Court properly assessed 15 points under SORA risk factor 11 based on the defendant's admissions.
2. Whether the defendant was entitled to a downward departure from his presumptive level two risk designation based on purported mitigating factors.

HOLDINGS

1. The Supreme Court properly assessed 15 points under risk factor 11 based on the defendant's admissions.
2. The defendant's claim that a downward departure was warranted was unpreserved because he did not request a downward departure at the SORA hearing. In any event, he failed to establish that a downward departure was warranted.

FACTUAL BACKGROUND

The defendant pleaded guilty in the United States District Court for the Eastern District of New York to possession of child pornography under 18 U.S.C. § 2252(a)(4)(B), (b)(2). At a hearing under the Sex Offender Registration Act, the Supreme Court assessed him 95 points on the risk assessment instrument, including 15 points under risk factor 11 based on his admissions. The court designated him a level two sex offender.

PROCEDURAL HISTORY

Accurso was convicted in the United States District Court for the Eastern District of New York, upon a guilty plea, of possessing child pornography. After a SORA hearing, the Supreme Court, Queens County, assessed 95 points under the risk assessment instrument and designated him a level two sex offender. The Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Barry, 213 AD3d 779, 780
- People v. Jones, 130 AD3d 601, 601
- People v. Franco, 234 AD3d 723, 724
- People v. Pomavilla-Loja, 230 AD3d 1359, 1359

- People v. Gillotti, 23 NY3d 841, 861
- People v. Hammack, 225 AD3d 795, 796
- People v. Evelyn-Moe, 217 AD3d 889, 890

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