

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: July 19, 2012

511913

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

JOHN P. LAURANGE,

Appellant.

Calendar Date: May 30, 2012

Before: Mercure, J.P., Rose, Kavanagh, McCarthy and
Egan Jr., JJ.

Greg D. Lubow, Tannersville, for appellant.

Beth G. Cozzolino, District Attorney, Hudson (H. Neal
Conolly of counsel), for respondent.

Kavanagh, J.

Appeal from an order of the County Court of Columbia County (Czajka, J.), dated December 1, 2010, which classified defendant as a risk level III sex offender pursuant to the Sex Offender Registration Act.

In 2008, defendant pleaded guilty to, among other things, criminal sexual act in the third degree and rape in the third degree and was sentenced to an aggregate prison term of four years. In anticipation of his release from prison, the Board of Examiners of Sex Offenders prepared a risk assessment instrument in accordance with the Sex Offender Registration Act (see Correction Law art 6-C) in which defendant was presumptively classified as a risk level III sex offender. At a subsequent

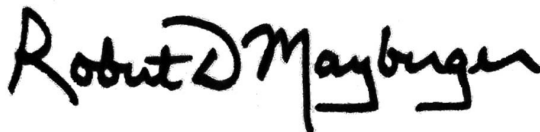
appearance before County Court with counsel, defendant was adjudicated a risk level III sex offender. Defendant now appeals.

The order that defendant seeks to review has not been "entered and filed in the office of the clerk of the court" (CPLR 2220 [a]) and, therefore, the appeal from that order must be dismissed because it is not properly before us at this time (see CPLR 5513, 5515 [1]; Abele Tractor & Equip. Co., Inc. v RJ Valente, Inc., 79 AD3d 1331, 1332 [2010]). In that regard, defendant's counsel advised this Court that the Columbia County Clerk's office has refused to enter the order because more than one year has passed since it was signed. No time limit exists in the CPLR for having such an order entered by the County Clerk's Office (see CPLR 2220 [a]; Connors, Practice Commentaries, McKinney's Cons Laws of NY, Book 7B, CPLR C2220:1, at 241).

Mercure, J.P., Rose, McCarthy and Egan Jr., JJ., concur.

ORDERED that the appeal is dismissed, without costs.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger
Clerk of the Court