

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

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KA 16-00783

PRESENT: WHALEN, P.J., CENTRA, DEJOSEPH, NEMOYER, AND TROUTMAN, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

LYLE SOMERS, DEFENDANT-APPELLANT.

J. SCOTT PORTER, SENECA FALLS, FOR DEFENDANT-APPELLANT.

WILLIAM J. FITZPATRICK, DISTRICT ATTORNEY, SYRACUSE (JAMES P. MAXWELL OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered October 15, 2015. The judgment convicted defendant, upon his plea of guilty, of unlawful surveillance in the second degree.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed.

Memorandum: Defendant appeals from a judgment convicting him, upon his plea of guilty, of unlawful surveillance in the second degree (see Penal Law § 250.45 [2]). Contrary to defendant's contention, Supreme Court did not abuse its discretion in determining, after consideration of "the nature and circumstances of the crime and . . . the history and character of the defendant, . . . that [his] registration [as a sex offender] would [not] be unduly harsh and inappropriate" (Correction Law §168-a [2] [e]; see *People v Marke*, 144 AD3d 651, 652; *People v Simmons*, 129 AD3d 520, 521, *lv denied* 26 NY3d 903).

Entered: February 10, 2017

Frances E. Cafarell
Clerk of the Court