

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

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KA 22-01947

PRESENT: SMITH, J.P., BANNISTER, MONTOUR, GREENWOOD, AND NOWAK, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

LYNN SEELEY, DEFENDANT-APPELLANT.

NATHANIEL BARONE, II, PUBLIC DEFENDER, MAYVILLE (ALEXANDRIA E. HAMANN OF COUNSEL), FOR DEFENDANT-APPELLANT.

JASON L. SCHMIDT, DISTRICT ATTORNEY, MAYVILLE (MICHAEL J. PISKO OF COUNSEL), FOR RESPONDENT.

Appeal from an order of the Chautauqua County Court (David W. Foley, J.), entered November 28, 2022. The order, insofar as appealed from, designated defendant a sexually violent offender.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Memorandum: We are advised that, by order dated October 3, 2024, upon a redesignation hearing, County Court determined that defendant is a level one risk and did not designate him a sexually violent offender under the Sex Offender Registration Act (Correction Law § 168 *et seq.*). We conclude that defendant's appeal, taken from the original order insofar as it designated him a sexually violent offender, must be dismissed (*see generally Matter of McGrath*, 245 AD2d 1081, 1082 [4th Dept 1997]).

Ann Dillon Flynn

Entered: November 15, 2024

Clerk of the Court