

\_\_\_\_ COURT \_\_\_\_\_ OF \_\_\_\_\_  
STATE OF NEW YORK COUNTY OF \_\_\_\_\_

**THE PEOPLE OF THE STATE OF NEW YORK,**

v.

\_\_\_\_\_, (D.O.B. \_\_/\_\_/\_\_)

Defendant.

Case No. \_\_\_\_\_  
NYSID #: \_\_\_\_\_

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER OF  
DETERMINATION (SORA)**

This matter having come before this Court at \_\_\_\_\_ for  
the Court to make a determination pursuant to (*check one*):

- [*Prob/Split/Fine/CD/UD*] Correction Law §168-d(3);
- [*Jail*] Correction Law §168-n(1), and a determination pursuant to Correction Law §168-n(2), and this Court having received from the Board of Examiners of Sex Offenders and provided Defendant and his/her counsel of record at the time of conviction, a Case Summary, a Risk Assessment Instrument and, where applicable, a Proposed Designation Form;

and this Court having notified, by written notice, both the Defendant personally and his/her counsel of record, at the time of conviction, of the Defendant's right to a hearing before this Court; and the Defendant having  requested  not requested (*check one*) a hearing, and this matter having come before this Court on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ A.M./P.M., at which time the People having appeared by and through Assistant District Attorney \_\_\_\_\_, Esq., and the Defendant having appeared with his/her assigned counsel, \_\_\_\_\_, Esq.; and,

This Court, having heard the  oral arguments  stipulation (*check one*) of respective counsel and the Defendant, does hereby make the following findings of fact by clear and convincing evidence which support the assignment of points for each risk factor contained on the Risk Assessment Instrument, as well as, where applicable, its findings as to whether or not a determination in accordance with §168-d(3) / §168-n(1) / §168-n(2) is required, and if so, what that determination should be; and after due deliberation, this Court does hereby find as follows:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

On \_\_\_\_\_, the Defendant herein, following a (*check one*)  
 full allocution, plead guilty to  trial finding the Defendant guilty of  
\_\_\_\_\_ in violation of Penal Law § \_\_\_\_\_, a class \_\_\_\_ misdemeanor  
wherein he/she admitted or was found guilty of \_\_\_\_\_.  
On \_\_\_\_\_, the Defendant was certified as a sex offender, assessed the supplemental  
sex offender fee, SORA registration fee, DNA fee and appropriate surcharge and was sentenced to  
\_\_\_\_\_.

In deciding the appropriate rating determination hereunder, this Court is statutorily bound by the Risk Assessment Guidelines and Commentary, dated 2006, as promulgated by the Board of Examiners of Sex Offenders pursuant to Correction Law §168-l(5).

Based upon the arguments of respective counsel and the clear and convincing evidence presented, this Court does hereby find as follows (*check one*):

That upon the Stipulation of the parties, the Case Summary and Risk Assessment Instrument prepared by the Board of Examiners of Sex Offenders, dated \_\_\_\_\_; attached hereto and made a part hereof, is hereby adopted  in its entirety  as modified herein below (*check one*) as and for the Findings of Fact and Conclusions of Law of this Court.

**RISK ASSESSMENT**

<b>RISK FACTOR</b>	<b>SPECIFIC RISK FACTOR</b> <i>(check if stipulated)</i>	<b>SCORE</b>
<b>I. <u>CURRENT OFFENSE(S)</u></b>		
1. <u>Use of Violence</u>	_____ <input type="checkbox"/>	_____
2. <u>Sexual Contact with Victim</u>	_____ <input type="checkbox"/>	_____
3. <u>Number of Victims</u>	_____ <input type="checkbox"/>	_____
4. <u>Duration of Offense Conduct with Victim</u>	_____ <input type="checkbox"/>	_____
5. <u>Age of Victim</u>	_____ <input type="checkbox"/>	_____
6. <u>Other Victim Characteristics</u>	_____ <input type="checkbox"/>	_____
7. <u>Relationship with Victim</u>	_____ <input type="checkbox"/>	_____
<b>II. <u>CRIMINAL HISTORY</u></b>		
8. <u>Age at First Sex Crime</u>	_____ <input type="checkbox"/>	_____
9. <u>Number and Nature of Prior Crimes</u>	_____ <input type="checkbox"/>	_____
10. <u>Recency of Prior Felony or Sex Crime</u>	_____ <input type="checkbox"/>	_____
11. <u>Drug or Alcohol Abuse</u>	_____ <input type="checkbox"/>	_____
<b>III. <u>POST-OFFENSE BEHAVIOR</u></b>		
12. <u>Acceptance of Responsibility</u>	_____ <input type="checkbox"/>	_____
13. <u>Conduct While Confined/Supervised</u>	_____ <input type="checkbox"/>	_____
<b>IV. <u>RELEASE ENVIRONMENT</u></b>		
14. <u>Supervision</u>	_____ <input type="checkbox"/>	_____
15. <u>Living/Employment Situation</u>	_____ <input type="checkbox"/>	_____
<b>TOTAL</b>		_____

**OVERRIDES** - \_\_\_\_\_

**DEPARTURES** - \_\_\_\_\_

**CONCLUSIONS OF LAW** - \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

For all of the foregoing reasons, it is hereby:

**ORDERED**, that pursuant to Correction Law §168-d(3) / §168-n(1) / §168-n(2), the Court hereby determines that the Defendant is:

- a sexually violent offender;
- a predicate sex offender;
- a sexual predator;
- none of the foregoing; and it is further

**ORDERED**, that the Court determines with respect to the level of notification that the Defendant should be rated at a level:

- 1
- 2
- 3

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. \_\_\_\_\_  
\_\_\_\_\_ of \_\_\_\_\_ Justice

TO: \_\_\_\_\_ (Defendant)  
\_\_\_\_\_, Esq. (Defense Counsel)  
\_\_\_\_\_, Esq. (DA/Assistant DA)  
\_\_\_\_\_ County Probation Department (*if Probationary Sentence only*)  
DCJS – Office of Sex Offender Management/Sex Offender Registry