

**Supreme Court of the State of New York**  
**Appellate Division, First Judicial Department**

Renwick, P.J., Kennedy, Friedman, Mendez, Hagler, JJ.

6028

THE PEOPLE OF THE STATE OF NEW YORK,  
Respondent,

Ind. No. 3800/06  
Case No. 2023-04296

-against-

LUIS PARADA,  
Defendant-Appellant.

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Jenay Nurse Guilford, Center for Appellate Litigation, New York (Hanna Wallace of counsel), for appellant.

Alvin L. Bragg, Jr., District Attorney, New York (Mallory Phelps of counsel), for respondent.

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Order, Supreme Court, New York County (Gregory Carro, J.), entered on or about August 3, 2023, which adjudicated defendant a level two sexually violent offender pursuant to the Sex Offender Registration Act (Correction Law art 6-C), unanimously affirmed, without costs.

The court providently exercised its discretion when it declined to grant a downward departure (*see People v Gillotti*, 23 NY3d 841, 861 [2014]). The substantial majority of the considerations advanced by defendant as mitigating circumstances were clearly and adequately accounted for in the RAI issued by the Board and, to the extent that defendant identifies considerations that were not, they were plainly outweighed by the seriousness of the underlying criminal conduct, which included the repeated anal rape over a two-year period, of a girl who had been entrusted to defendant's care as her babysitter, and was seven or eight years old when the abuse began (*see People v Saxton*,

231 AD3d 557 [1st Dept 2024], *lv denied* 42 NY3d 913 [2025]; *People v People v Simmons*, 123 AD3d 617 [1st Dept 2014], *lv denied* 25 NY3d 985 [2015]; *People v Cabrera*, 91 AD3d 655 [1st Dept 2021]).

THIS CONSTITUTES THE DECISION AND ORDER  
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: March 10, 2026

A handwritten signature in black ink, reading "Susanna Molina Rojas". The signature is written in a cursive, flowing style.

Susanna Molina Rojas  
Clerk of the Court