

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

CORRECTED ORDER MARCH 3, 2026

Webber, J.P., Shulman, Higgitt, Rosado, Hagler, JJ.

5981

THE PEOPLE OF THE STATE OF NEW YORK,  
Respondent,

Ind. No. 4241/15  
Case No. 2024-00426

-against-

ROLANDO TAVERES,  
Defendant-Appellant.

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

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

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Order, Supreme Court, **New York County** (Angela Badamo, J.), entered on or about December 1, 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 properly assessed defendant 25 points under risk factor 2. The SORA Board's case summary, along with the six-year-old victim's testimony before the grand jury, established by clear and convincing evidence that defendant engaged in sexual intercourse with the victim (*see People v Mingo*, 12 NY3d 563, 571-574 [2009]; *see also People v Brown*, 235 AD3d 101, 115 [1st Dept 2024], *lv denied* 43 NY3d 929 [2025]). The court providently exercised its discretion in declining to grant a downward departure (*see generally People v Gilloti*, 23 NY3d 841, 861 [2014]), and we perceive no basis to substitute our discretion for that of the court. The mitigating factors cited by

defendant were adequately taken into account by the risk assessment instrument or were outweighed by the seriousness of the underlying crime, which was committed against a young child (*see People v Bevel*, 224 AD3d 430, 431 [1st Dept 2024], *lv denied* 42 NY3d 902 [2024]; *People v Hernandez*, 205 AD3d 485, 485 [1st Dept 2022]).

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

ENTERED: March 3, 2026

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

Susanna Molina Rojas  
Clerk of the Court