

STATE OF NEW YORK
SUPREME COURT : COUNTY OF CHAUTAUQUA

**IN THE MATTER OF THE APPLICATION OF
THE STATE OF NEW YORK,**

Petitioner,

-against-

Index No. K1-2010-1659

**NUSHAWN WILLIAMS a/k/a
SHYTEEK JOHNSON, DIN 98A5318**

Respondent,

for Civil Management under Article 10 of the
Mental Hygiene Law.

DECISION/ORDER

Michalski, J.

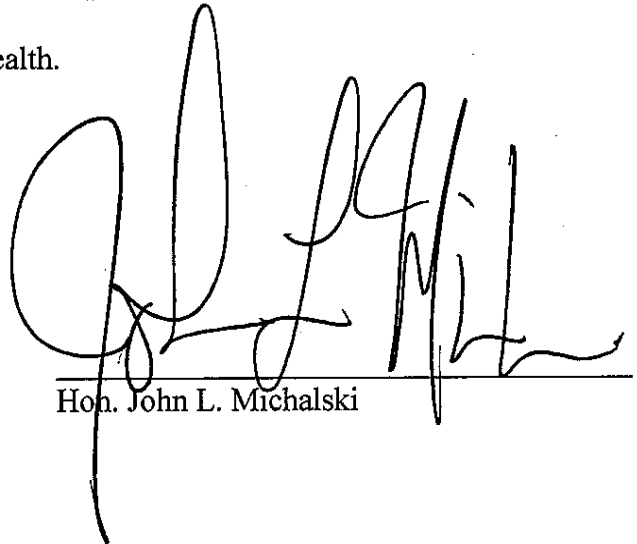
On June 28, 2013 a Chautauqua County jury found Respondent to be a Detained Sex Offender who suffers from a mental abnormality under Mental Hygiene Law (MHL) § 10.03(i). Pursuant to MHL § 10.07(f), this Court subsequently commenced the dispositional phase of these proceedings on November 19, 2013. At that hearing, Dr. Jacob Hadden testified that he had diagnosed Respondent as suffering from Anti-Social Personality Disorder, Psychopathy with a PCL-R score of 34, and Poly-Substance Abuse. Dr. Hadden also noted that Respondent's score on the Violence Risk Scale Sex Offender assessment placed him in the "high nominal" risk category in terms of re-offending; and that his score on the Static-99R, which evaluates certain factors in Respondent's past *vis-a-vis* the potential for sexual recidivism, puts him in the "moderate high risk"

category. Accordingly, Dr. Hadden opined that Respondent was a dangerous sex offender requiring confinement. At the close of Petitioner's case, Respondent called Dr. Jeffrey Birnbaum. Dr. Birnbaum testified that he did not concur with Dr. Hadden's opinion.

Based on all the evidence now before us, we conclude that the State has established, by clear and convincing evidence, that Respondent is a Dangerous Sex Offender requiring confinement under MHL § 10.07(f).

WHEREFORE, it is hereby ORDERED that Respondent be committed to a secure treatment facility as designated by the Office of Mental Health.

Dated: Buffalo, New York
February 26, 2014



A large, stylized handwritten signature in black ink, appearing to read 'John L. Michalski', written over a horizontal line.

Hon. John L. Michalski

GRANTED

FEB 26 2014

BY 
LAURA RODGERS
COURT CLERK