

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

D12455  
O/cb

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Submitted - September 18, 2006

DAVID S. RITTER, J.P.  
GLORIA GOLDSTEIN  
REINALDO E. RIVERA  
ROBERT A. SPOLZINO, JJ.

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2005-10362

DECISION & ORDER

In the Matter of Manuel B. (Anonymous), appellant.

(Docket No. D-3819-05)

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Gregory L. Gliedman, Jamaica, N.Y., Law Guardian for the appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Stephen J. McGrath and Alan Beckoff of counsel), for respondent.

In a juvenile delinquency proceeding pursuant to Family Court Act article 3, the appeal is from so much of an order of disposition of the Family Court, Queens County (Lubow, J.), dated October 7, 2005, as, upon a fact-finding order of the same court, dated April 5, 2005, upon the appellant's admission, finding that he had committed an act which, if committed by an adult, would have constituted the crime of attempted assault in the second degree, placed him in the custody of the New York State Office of Children and Family Services for a period of up to 18 months.

ORDERED that the order of disposition is affirmed insofar as appealed from, without costs or disbursements.

The Family Court providently exercised its discretion in placing the appellant in the custody of the New York State Office of Children and Family Services for a period of up to 18 months (*see Matter of Gabriel A.*, 12 AD3d 666, 667). The Family Court's order was the least

November 8, 2006

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restrictive available alternative which was consistent with the needs and best interests of the appellant and the need for protection of the community (*see* Family Court Act § 352.2 [2][a]; *Matter of Leah G.*, 23 AD3d 658).

RITTER, J.P., GOLDSTEIN, RIVERA and SPOLZINO, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large initial "J".

James Edward Pelzer  
Clerk of the Court