

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

D14427  
G/gts

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - January 2, 2007

HOWARD MILLER, J.P.  
ROBERT A. SPOLZINO  
DAVID S. RITTER  
MARK C. DILLON, JJ.

2006-02291

DECISION & ORDER

In the Matter of Leslie R. Dancer, respondent, v  
Kent Robertson, appellant (and a related proceeding).

(Docket No. O-02176-05)

Russell A. Schindler, Kingston, N.Y., for appellant.

Steven A. Feldman, Uniondale, N.Y., for respondent.

In a family offense proceeding pursuant to Family Court Act article 8, Kent Robertson appeals from an order of protection of the Family Court, Dutchess County (Sammarco, J.), dated February 1, 2006, which, after a hearing and upon finding that he committed the family offense of harassment in the second degree made after a hearing, directed him, inter alia, to stay away from the petitioner until January 31, 2008.

ORDERED that the order of protection is affirmed insofar as appealed from, with costs.

The Family Court's determination regarding the credibility of witnesses is entitled to great weight on appeal unless clearly unsupported by the record (*see Matter of Phillips v Laland*, 4 AD3d 529; *Matter of Bryan S.*, 286 AD2d 685; *Matter of Tibichrani v Debs*, 230 AD2d 746). The record supports the Family Court's determination that, based on a preponderance of the credible evidence, the appellant committed the act constituting the family offense of harassment in the second degree, warranting the issuance of an order of protection against him (*see Family Ct Act* § 812[1]; § 832; Penal Law § 240.26[3]; *Matter of Clarke v Clarke*, 8 AD3d 375; *Matter of Dienes v Dienes*,

240 AD2d 576; *Matter of Pesce v Pesce*, 223 AD2d 647; *Matter of Rogers v Rogers*, 161 AD2d 766).

The appellant's remaining contentions are without merit.

MILLER, J.P., SPOLZINO, RITTER and DILLON, 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