

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

D15063
Y/cb

_____AD3d_____

Submitted - April 2, 2007

DAVID S. RITTER, J.P.
FRED T. SANTUCCI
RUTH C. BALKIN
WILLIAM E. McCARTHY, JJ.

2006-07913

DECISION & ORDER

In the Matter of Shaunise R. (Anonymous), appellant.

(Docket No. D-16512/06)

Steven Banks, New York, N.Y. (Tamara A. Steckler and Judith Stern of counsel), for appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Edward F.X. Hart and Marta Ross of counsel; Matthew R. Lichtman on the brief), for respondent.

In a juvenile delinquency proceeding pursuant to Family Court Act article 3, the appeal is from an order of disposition of the Family Court, Kings County (Weinstein, J.), dated July 10, 2006, which, upon a fact-finding order of the same court dated June 2, 2006, made after a hearing, finding that the appellant had committed an act which, if committed by an adult, would have constituted the crimes of obstructing governmental administration in the second degree pursuant to Penal Law § 195.05, and resisting arrest pursuant to Penal Law § 205.30, adjudged her to be a juvenile delinquent, and placed her with the New York City Office of Children and Family Services for a period of 12 months. The appeal brings up for review the fact-finding order dated June 2, 2006.

ORDERED that the order of disposition is affirmed, without costs or disbursements.

Viewing the evidence in the light most favorable to the presentment agency (*see Matter of David H.*, 69 NY2d 792, 793; *Matter of Ashley M.*, 35 AD3d 612; *Matter of Darnell C.*, 305 AD2d 405), we find that it was legally sufficient to establish, beyond a reasonable doubt, that the appellant committed acts which, if committed by an adult, would have constituted the crime of

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obstructing governmental administration in the second degree (*see* Penal Law § 195.05; *Matter of Davan L.*, 91 NY2d 88, 91; *Matter of Thomas L.*, 4 AD3d 295; *Matter of Joshua C.*, 289 AD2d 1095; *Matter of Michael C.*, 264 AD2d 842), and resisting arrest (*see* Penal Law § 205.30; *Matter of Thomas L.*, *supra* at 295; *Matter of Kara M.*, 242 AD2d 630, 631). Upon the exercise of our factual review power, we find that the Family Court's fact-finding determination was not against the weight of the evidence (*see* Family Ct Act § 342.2[2]; *Matter of Garrick B.*, 30 AD3d 217; *cf.* CPL 470.15[5]).

RITTER, J.P., SANTUCCI, BALKIN and McCARTHY, JJ., concur.

ENTER:

A handwritten signature in cursive script that reads "James Edward Pelzer".

James Edward Pelzer
Clerk of the Court