

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

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Submitted - January 22, 2008

ROBERT A. SPOLZINO, J.P.
FRED T. SANTUCCI
DANIEL D. ANGIOLILLO
EDWARD D. CARNI, JJ.

2007-03946

DECISION & ORDER

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

(Docket No. D-11727-06)

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

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Francis F. Caputo and Elizabeth I. Freedman of counsel), 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 March 29, 2007, which, upon a fact-finding order of the same court dated February 1, 2007, made after a hearing, finding that the appellant committed acts which, if committed by an adult, would have constituted the crimes of robbery in the second degree, criminal possession of stolen property in the fifth degree, attempted assault in the third degree, and menacing in the third degree, adjudged him to be a juvenile delinquent, and placed him on probation for a period of 12 months. The appeal brings up for review the fact-finding order dated February 1, 2007.

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), we find that it was legally sufficient to establish the appellant's identity as one of the perpetrators beyond a reasonable doubt (*see Family Ct Act* § 342.2[2]).

February 19, 2008

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Moreover, upon the exercise of our factual review power, we find that the court's findings of fact were not against the weight of the evidence (*see* Family Ct Act § 342.2[2]; *Matter of Shawn D.*, 40 AD3d 632).

SPOLZINO, J.P., SANTUCCI, ANGIOLILLO and CARNI, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court