

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

D18337
O/prt

_____AD3d_____

Submitted - February 4, 2008

ROBERT A. SPOLZINO, J.P.
DANIEL D. ANGIOLILLO
RUTH C. BALKIN
JOHN M. LEVENTHAL, JJ.

2007-02203

DECISION & ORDER

In the Matter of Tracy Larson, respondent,
v Darryl Gilliam, appellant.

(Docket No. O-12707-06)

Kenneth L. Bunting, White Plains, N.Y., for appellant.

Mary Jean Howland, Tuckahoe, N.Y., Law Guardian for the children.

In a family offense proceeding pursuant to Family Court Act article 8, Darryl Gilliam appeals from an order of protection of the Family Court, Westchester County (Duffy, J.), dated January 30, 2007, which, after a hearing, and upon, in effect, a finding that he committed the family offenses of disorderly conduct and aggravated harassment in the second degree, and two separate offenses of harassment in the second degree, directed him, inter alia, to stay away from and refrain from contacting the petitioner and her three children, including the child she has in common with him, until January 30, 2009.

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

Whether the appellant committed family offenses was a disputed factual issue. The determination of the Family Court regarding the credibility of witnesses, as the trier of fact, is entitled to great weight (*see Matter of Rankoth v Sloan*, 44 AD3d 863; *Matter of Dancer v Robertson*, 38 AD3d 887). The fair preponderance of the evidence supports the Family Court's determination, in effect, that the appellant committed the family offenses of disorderly conduct and aggravated harassment in the second degree, and two separate offenses of harassment in the second degree, warranting the issuance of an order of protection (*see Matter of Wallace v Wallace*, 45 AD3d 599;

March 11, 2008

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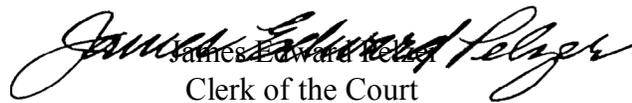
Matter of VanKeuren v Craft, 39 AD3d 763; *Matter of Bonsignore v Bonsignore*, 37 AD3d 602).

The appellant's contention that the Family Court erred in admitting certain letters into evidence was not preserved for appellate review.

The appellant's remaining contention is without merit.

SPOLZINO, J.P., ANGIOLILLO, BALKIN and LEVENTHAL, JJ., concur.

ENTER:


James Edward Kelly
Clerk of the Court