

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

D19160
O/kmg

_____AD3d_____

Submitted - April 8, 2008

STEVEN W. FISHER, J.P.
DAVID S. RITTER
ANITA R. FLORIO
EDWARD D. CARNI, JJ.

2007-05430
2007-05431

DECISION & ORDER

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

(Docket Nos. D2552/07, D2571/07)

Steven Banks, New York, N.Y. (Tamara Steckler and Amy Hausknecht of counsel),
for appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Edward F.X. Hart and
Tahirih M. Sadrieh of counsel), for respondent.

In two related juvenile delinquency proceedings pursuant to Family Court Act article 3, the appeal is from (1) an order of disposition of the Family Court, Queens County (Bogacz, J.), dated May 15, 2007, which, upon a fact-finding order of the same court dated March 13, 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 and grand larceny in the fourth degree (Docket No. D2552/07), adjudged him to be a juvenile delinquent and placed him on probation for a period of 24 months, and (2) an order of disposition of the same court, also dated May 15, 2007, which, upon a fact-finding order of the same court dated March 13, 2007, made upon the appellant's admission, finding that the appellant committed an act which, if committed by an adult, would have constituted the crime of grand larceny in the fourth degree (Docket No. D2571/07), adjudged him to be a juvenile delinquent and placed him on probation for a period of 24 months.

ORDERED that the orders of disposition are affirmed, without costs or disbursements.

May 6, 2008

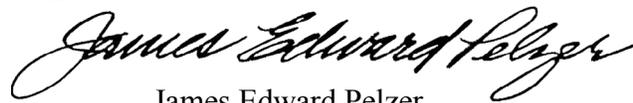
MATTER OF R. (ANONYMOUS), DEVON

Page 1.

Contrary to the appellant's contention, the Family Court did not improvidently exercise its discretion in denying his motion to consolidate the separate petitions (*see* Family Ct Act § 311.6; *cf.* CPL 200.20; *People v Conigliaro*, 290 AD2d 87, 90; *People v Hutzenlaub*, 265 AD2d 574; *accord Matter of Lee M.*, 126 AD2d 645, 646). The appellant's contention that denial of his motion prejudiced him because it potentially subjected him to designated felony charge status if he is rearrested (*see* Family Ct Act § 301.2[8][vi]), is not properly before this Court, as it is raised for the first time on appeal (*see Matter of Stephen H.*, 251 AD2d 664, 665).

FISHER, J.P., RITTER, FLORIO and CARNI, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court