

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

D19944  
G/prt

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

Argued - June 13, 2008

PETER B. SKELOS, J.P.  
JOSEPH COVELLO  
JOHN M. LEVENTHAL  
ARIEL E. BELEN, JJ.

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2007-07482

DECISION & ORDER

In the Matter of Dane L. (Anonymous), appellant.

(Docket No. D-5512-07)

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Bracken & Margolin, LLP, Islandia, N.Y. (Linda U. Margolin and William T. Ferris III of counsel), for appellant.

Christine Malafi, County Attorney, Central Islip, N.Y. (Karen A. Bohrer and Jeffrey P. Tavel 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, Suffolk County (Hoffman, J.), dated July 17, 2007, which, upon a fact-finding determination of the same court dated May 29, 2007, made after a hearing, finding that the appellant committed an act which, if committed by an adult, would have constituted the crime of forcible touching, and after a dispositional hearing, adjudicated 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 determination dated May 29, 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, 793), we find that it was legally sufficient to establish that the appellant committed an act which, if committed by an adult, would have constituted the crime of forcible touching (*see* Penal Law § 130.52; *cf. Matter of Marcus M.*, 287 AD2d 505). Moreover, upon the exercise of our factual review power (*cf.* CPL 470.15 [5]), we are satisfied that the Family Court's determination was not against the weight of the evidence (*see Matter of Rahmel S.*, 4 AD3d 365, 366).

July 1, 2008

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MATTER OF L. (ANONYMOUS), DANE

The appellant's remaining contentions are without merit.

SKELOS, J.P., COVELLO, LEVENTHAL and BELEN, 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