

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

D21193
Y/kmg

____AD3d____

Submitted - October 3, 2008

WILLIAM F. MASTRO, J.P.
PETER B. SKELOS
RUTH C. BALKIN
ARIEL E. BELEN, JJ.

2007-09878

DECISION & ORDER

In the Matter of Emily Barilo, respondent,
v Semen Milman, appellant.

(Docket No. O-19469-06)

Zvi Ostrin, New York, N.Y., for appellant.

Michael C. Director, Garden City, N.Y., for respondent.

In a family offense proceeding pursuant to Family Court Act article 8, Semen Milman appeals from an order of disposition of the Family Court, Kings County (Hepner, J.), dated September 21, 2007, which, after a hearing, granted the petitioner an order of protection against him for a period of two years.

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

“The determination of whether a family offense was committed is a factual issue to be resolved by the Family Court” (*Matter of Lallmohamed v Lallmohamed*, 23 AD3d 562, 562; *see Matter of Fiore v Fiore*, 34 AD3d 803; *Matter of Kraus v Kraus*, 26 AD3d 494, 495), and the Family Court's determination regarding the credibility of witnesses is entitled to deference on appeal (*see Matter of Wissink v Wissink*, 13 AD3d 461, 462). We find no basis to disturb the Family Court's determination.

MASTRO, J.P., SKELOS, BALKIN and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

November 25, 2008

MATTER OF BARILO v MILMAN