

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

D21414  
Y/hu

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

Submitted - November 18, 2008

ROBERT A. SPOLZINO, J.P.  
MARK C. DILLON  
EDWARD D. CARNI  
JOHN M. LEVENTHAL, JJ.

---

2008-02705

DECISION & ORDER

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

(Docket No. D-17498-07)

---

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

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Barry P. Schwartz and  
Julie Steiner 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, Queens County (Lubow, J.), dated February 25, 2008, which, upon a fact-finding order of the same court dated October 16, 2007, made upon the appellant's admission, finding that the appellant had committed an act which, if committed by an adult, would have constituted the crime of sexual misconduct, adjudged him to be a juvenile delinquent and placed him on probation for a period of two years.

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

The Family Court properly exercised its discretion in adjudicating the appellant a juvenile delinquent rather than a person in need of supervision (*see* Family Ct Act § 311.4[2]; *Matter of Michael OO*, 53 AD3d 709; *Matter of Angelo L.*, 240 AD2d 669).

SPOLZINO, J.P., DILLON, CARNI and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

December 9, 2008

MATTER OF R. (ANONYMOUS), SHEIFA