

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

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_____AD3d_____

Submitted - January 9, 2009

WILLIAM F. MASTRO, J.P.
ANITA R. FLORIO
JOSEPH COVELLO
ARIEL E. BELEN, JJ.

2008-03168

DECISION & ORDER

In the Matter of Edward M. Harris,
appellant, v Helen M. Harris, respondent.

(Docket No. O-14862-07)

Steinberg, Fineo, Berger & Fischhoff, P.C., Woodbury, N.Y. (Dana J. Finkelstein and
Jessica Anne Gould of counsel), for appellant.

John G. Poli, III, P.C., Northport, N.Y., for respondent.

In a family offense proceeding pursuant to Family Court Act article 8, the petitioner
appeals from an order of the Family Court, Suffolk County (Whelen, J.), dated March 5, 2008, which,
after a hearing, inter alia, denied the petition and dismissed the proceeding.

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

The Family Court's determination that the petitioner failed to establish that the
respondent committed a family offense was supported by a preponderance of the admissible evidence
presented at the hearing (*see* Family Ct Act § 812[1]; § 832). Where, as here, the Family Court was
confronted primarily with issues of credibility, its factual findings must be accorded great weight on
appeal unless they were clearly unsupported by the record (*see Matter of Hall v Hall*, 45 AD3d 842,
843). Under these circumstances, we find no basis to disturb the Family Court's determination (*see*
Matter of Kuckcu v Cokyuksel, 31 AD3d 554; *Matter of Waaldijk-Howell v Howell*, 22 AD3d 675).

February 3, 2009

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The petitioner's remaining contentions are either unpreserved for appellate review or without merit.

MASTRO, J.P., FLORIO, COVELLO and BELEN, 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