

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

D22717
C/kmg

_____AD3d_____

Argued - March 6, 2009

ROBERT A. SPOLZINO, J.P.
PETER B. SKELOS
FRED T. SANTUCCI
THOMAS A. DICKERSON, JJ.

2008-06332

DECISION & ORDER

In the Matter of Janet Halper, respondent,
v Jason Halper, appellant.

(Docket No. O-15581-07)

Joseph T. Adragna, Huntington, N.Y., for appellant.

Andrew Moulinos, Astoria, N.Y., for respondent.

In a family offense proceeding pursuant to Family Court Act article 8, Jason Halper appeals from an order of the Family Court, Kings County (Feldman, J.H.O.), dated June 9, 2008, which, after a hearing, found that he committed a family offense and granted an order of protection to the petitioner.

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), and when the Family Court is confronted with issues of credibility, its findings are accorded great weight on appeal (*see Matter of Ford v Pitts*, 30 AD3d 419, 420; *Matter of Wissink v Wissink*, 13 AD3d 461, 462; *Matter of St. Denis v St. Denis*, 1 AD3d 370). The record presented here is adequate to permit a meaningful review of the Family Court's determination (*see Matter of Steven Glenn R.*, 51 AD3d 802). Upon such review, we find that the petitioner established, by a preponderance of the evidence (*see Matter of Phillips v Laland*, 4 AD3d 529), that the appellant committed acts constituting harassment in the second degree, thus warranting

April 7, 2009

Page 1.

MATTER OF HALPER v HALPER

the issuance of an order of protection, and we find no basis to disturb the Family Court's determination (*see* Family Ct Act § 812[1]; Penal Law § 240.26[3]; *Matter of Wissink v Wissink*, 13 AD3d 461).

SPOLZINO, J.P., SKELOS, SANTUCCI and DICKERSON, JJ., concur.

ENTER:

A handwritten signature in cursive script that reads "James Edward Pelzer".

James Edward Pelzer
Clerk of the Court