

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

D26260
O/prt

_____AD3d_____

Submitted - January 26, 2010

STEVEN W. FISHER, J.P.
ANITA R. FLORIO
ARIEL E. BELEN
L. PRISCILLA HALL, JJ.

2009-04337

DECISION & ORDER

In the Matter of Shatique B. (Anonymous), appellant.

(Docket No. D-176-09)

Ronna L. DeLoe, Mamaroneck, N.Y., for appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Francis F. Caputo and
Dona B. Morris 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 (Hunt, J.), dated March 31, 2009, which, upon a fact-finding order of the same court dated January 23, 2009, and upon the court's own motion pursuant to Family Court Act § 355.1(1), in effect, vacated a prior order of disposition dated February 27, 2009, placing the appellant on probation for a period of 18 months, and placed him with the Office of Children and Family Services for a period of 18 months, effective February 27, 2009.

ORDERED that the order of disposition dated March 31, 2009, is affirmed, without costs or disbursements.

Contrary to his contention, the appellant was not denied the effective assistance of counsel (*see Matter of Thomas D.*, 50 AD3d 897; *Matter of Shaheen P.J.*, 29 AD3d 996, 998; *Matter of Robert P.*, 16 AD3d 512, 513). Moreover, under the circumstances, the Family Court did not improvidently exercise its discretion in vacating a prior order of disposition based upon a substantial change of circumstances, the underlying facts of which were not challenged by the appellant, and placing the appellant with the Office of Children and Family Services for a period of 18 months,

February 23, 2010

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MATTER OF B. (ANONYMOUS), SHATIQUE

effective February 27, 2009 (*see* Family Ct Act § 355.1).

FISHER, J.P., FLORIO, BELEN and HALL, 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