

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

D27336
O/kmg

_____AD3d_____

Submitted - April 27, 2010

WILLIAM F. MASTRO, J.P.
HOWARD MILLER
JOHN M. LEVENTHAL
ARIEL E. BELEN, JJ.

2009-06438

DECISION & ORDER

In the Matter of Gwendolyn Richardson,
appellant, v Larone Gary, respondent.

(Docket No. O-34676-08)

Tennille M. Tatum-Evans, New York, N.Y., for appellant.

Emmanuel F. Ntiamoah, Brooklyn, N.Y., for respondent.

Karen P. Simmons, Brooklyn, N.Y. (Janet Neustaetter and Barbara H. Dildine of counsel), attorney for the child.

In a proceeding pursuant to Family Court Act article 8, the petitioner appeals from so much of an order of the Family Court, Kings County (Feldman, J.H.O.), dated June 1, 2009, as, upon her withdrawal of the petition, dismissed the petition with prejudice.

ORDERED that the appeal is dismissed, without costs or disbursements.

The petitioner consented to the entry of the order dated June 1, 2009, dismissing her family offense petition with prejudice. Accordingly, the appeal from that order must be dismissed, as no appeal lies from an order entered upon the consent of the appealing party, since a party who consents to an order is not aggrieved thereby (*see* CPLR 5511; *Matter of Avery v Aery*, 55 AD3d 1095, 1095-1096; *Matter of Gittens v Chin-On*, 19 AD3d 596, 596; *Matter of Cooper v Administration for Children Servs.*, 293 AD2d 605, 605).

MASTRO, J.P., MILLER, LEVENTHAL and BELEN, JJ., concur.

ENTER:


James Edward Pelzer

May 11, 2010

MATTER OF RICHARDSON v GARY

Clerk of the Court

May 11, 2010

MATTER OF RICHARDSON v GARY