

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

D28015
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_____AD3d_____

Submitted - May 13, 2010

STEVEN W. FISHER, J.P.
JOSEPH COVELLO
L. PRISCILLA HALL
SANDRA L. SGROI, JJ.

2009-04338

DECISION & ORDER

In the Matter of Inge L. Mader, appellant,
v Kenny Johnson, respondent.

(Docket No. O-21715-08)

Gregory L. Gliedman, Jamaica, N.Y., for appellant.

Rayaz N. Khan, Jamaica, 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, Queens County (O'Connor, J.), dated March 19, 2009, which, after a hearing, in effect, granted the respondent's motion to dismiss the petition.

ORDERED that the order is reversed, on the law, without costs or disbursements, the respondent's motion to dismiss the petition is denied, and the matter is remitted to the Family Court, Queens County, for further proceedings on the petition.

The petitioner established that the respondent committed the family offense of aggravated harassment in the second degree, by the respondent's admission that he left several telephone messages for the petitioner threatening that he was going to "get her" (*see* Family Ct Act § 812[1]; § 832; Penal Law § 240.30; *cf. People v Dei*, 2 AD3d 1459).

FISHER, J.P., COVELLO, HALL and SGROI, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 29, 2010

MATTER OF MADER v JOHNSON