

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

D28594  
Y/prt

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - September 21, 2010

WILLIAM F. MASTRO, J.P.  
THOMAS A. DICKERSON  
RANDALL T. ENG  
PLUMMER E. LOTT, JJ.

2009-08546

DECISION & ORDER

In the Matter of Abel R. (Anonymous), appellant.

(Docket No. D-12958-09)

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Steven Banks, New York, N.Y. (Tamara A. Steckler and Amy Hausknecht of counsel), for appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Mordecai Newman of counsel; Sean Sherman on the brief), 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 August 11, 2009, which, upon a fact-finding decision of the Family Court, Cattaraugus County (Nenno, J.), dated June 9, 2009, made upon the appellant's admission, finding that he committed an act which, if committed by an adult, would have constituted the crime of riot in the first degree, adjudged him to be a juvenile delinquent and placed him on probation for a period of 18 months.

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

The Family Court has broad discretion in fashioning orders of disposition. Here, the Family Court providently exercised its discretion in determining that the least restrictive available alternative consistent with the appellant's best interests and the need for the protection of the community was to place the appellant on probation rather than direct an adjournment in contemplation of dismissal (*see* Family Ct Act §§ 315.3, 353.2 *et seq.*, 352.1 *et seq.*; *Matter of Summer D.*, 67 AD3d 1008, 1009).

October 12, 2010

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MATTER OF R. (ANONYMOUS), ABEL

The appellant's remaining contention is without merit.

MASTRO, J.P., DICKERSON, ENG and LOTT, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Matthew G. Kiernan". The signature is written in a cursive, slightly slanted style.

Matthew G. Kiernan  
Clerk of the Court