

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

D29849
C/kmb

_____AD3d_____

Submitted - January 6, 2011

JOSEPH COVELLO, J.P.
THOMAS A. DICKERSON
L. PRISCILLA HALL
PLUMMER E. LOTT, JJ.

2009-11461

DECISION & ORDER

In the Matter of Samira Mrsic, appellant,
v Kwak Yen Kwan, respondent.

(Docket No. O-26611-09)

Peter Dailey, New York, N.Y., for appellant.

David Zaslavsky, PLLC, New York, N.Y., for respondent.

In a family offense proceeding pursuant to Family Court Act article 8, Samira Mrsic appeals from an order of the Family Court, Kings County (Cammer, J.H.O.), dated November 13, 2009, which, after a hearing, dismissed the petition.

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, and that court’s determination regarding the credibility of witnesses is entitled to great weight on appeal, and will not be disturbed if supported by the record” (*Matter of Luke v Luke*, 72 AD3d 689, 689; *see Matter of Testman v Roman*, 78 AD3d 719, *lv denied* _____NY3d_____, 2011 NY Slip Op 61504 [2011]; *Matter of Holder v Francis*, 67 AD3d 679; *Matter of Nusbaum v Nusbaum*, 59 AD3d 725; *Matter of Kraus v Kraus*, 26 AD3d 494; *Matter of St. Denis v St. Denis*, 1 AD3d 370). We find no basis to disturb the Family Court's determination (*see Matter of St. Denis v St. Denis*, 1 AD3d 370).

January 25, 2011

MATTER OF MRSIC v KWAK YEN KWAN

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The appellant's remaining contentions are without merit.

COVELLO, J.P., DICKERSON, HALL 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