

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

D30392
G/kmb

_____AD3d_____

Submitted - February 24, 2011

REINALDO E. RIVERA, J.P.
MARK C. DILLON
L. PRISCILLA HALL
SHERI S. ROMAN, JJ.

2010-03551

DECISION & ORDER

In the Matter of Geovanny V. (Anonymous),
appellant.

(Docket No. D-24139-09)

Robin Stone Einbinder, Jamaica, N.Y., for appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Francis F. Caputo and
Susan Paulson of counsel), for respondent.

In a juvenile delinquency proceeding pursuant to Family Court Act article 3, Geovanny V. appeals from an order of disposition of the Family Court, Queens County (Hunt, J.), dated March 12, 2010, which, upon a fact-finding order of the same court dated February 5, 2010, made after a hearing, finding that he committed acts which, if committed by an adult, would have constituted the crimes of robbery in the second degree, grand larceny in the fourth degree, and criminal possession of stolen property in the fifth degree, and after a dispositional hearing, adjudged him to be a juvenile delinquent and, inter alia, placed him on probation for a period of 18 months. The appeal brings up for review the fact-finding order dated February 5, 2010.

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

Viewing the evidence in the light most favorable to the presentment agency (*see Matter of David H.*, 69 NY2d 792, 793; *Matter of Ashley P.*, 74 AD3d 1075; *Matter of Joel C.*, 70 AD3d 936, 937; *cf. People v Contes*, 60 NY2d 620, 621), we find that it was legally sufficient to establish, beyond a reasonable doubt, that the appellant committed acts which, if committed by an adult, would have constituted the crimes of robbery in the second degree, grand larceny in the fourth

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degree, and criminal possession of stolen property in the fifth degree based on a theory of accomplice liability (*see* Family Ct Act § 342.2[2]; Penal Law § 20.00; *Matter of Joseph H.*, 55 AD3d 608, 609; *Matter of Kenyetta F.*, 49 AD3d 540, 541; *Matter of Jonathan V.*, 43 AD3d 470, 471; *Matter of Joseph J.*, 205 AD2d 777, 778). The evidence of his conduct before, during, and after the acts established beyond a reasonable doubt that he acted in concert with his accomplice to commit the charged acts (*see Matter of Kenyetta F.*, 49 AD3d at 541).

The appellant's remaining contention is without merit.

RIVERA, J.P., DILLON, HALL and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court