

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

D31747
W/kmb

_____AD3d_____

Submitted - May 24, 2011

MARK C. DILLON, J.P.
RUTH C. BALKIN
ARIEL E. BELEN
SANDRA L. SGROI, JJ.

2010-06581

DECISION & ORDER

In the Matter of Nikitsha Williams,
respondent, v Kedrick Maise, appellant.

(Docket No. O-00339-09)

Michael G. Paul, New City, N.Y., for appellant.

Verna W. Cobb, Newburgh, N.Y., for respondent.

In a family offense proceeding pursuant to Family Court Act article 8, Kedrick Maise appeals from an order of fact-finding and disposition (one paper) of the Supreme Court, Orange County (IDV Part) (Kiedaisch, J.), entered June 22, 2010, which, after a hearing, inter alia, found that he had committed the family offense of harassment in the second degree, and directed him to comply with the conditions set forth in an order of protection dated April 1, 2010, for a period of two years, commencing on April 1, 2010.

ORDERED that the order of fact-finding and disposition is affirmed, without costs or disbursements.

“The determination of whether a family offense was committed is a factual issue to be resolved by the hearing court (*see* Family Ct Act §§ 812, 832; *Matter of Halper v Halper*, 61 AD3d 687; *Matter of Lallmohamed v Lallmohamed*, 23 AD3d 562), and that court’s determination regarding the credibility of witnesses is entitled to great weight on appeal unless clearly unsupported by the record” (*Matter of Creighton v Whitmore*, 71 AD3d 1141, 1141; *see Matter of Kaur v Singh*, 73 AD3d 1178; *Matter of Gray v Gray*, 55 AD3d 909). Here, contrary to the appellant’s contention, a “fair preponderance” (Family Ct Act § 832) of the credible evidence supported the hearing court’s

June 14, 2011

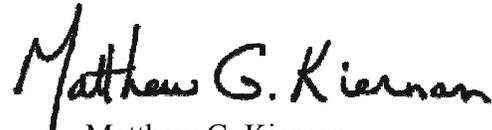
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determination that he committed the family offense of harassment in the second degree, warranting the issuance of an order of protection (*see* Family Ct Act § 832; Penal Law § 240.26[1]; *Matter of Jessica C. v Esteban B.*, 13 AD3d 183; *People v Sylla*, 7 Misc 3d 8, 10).

DILLON, J.P., BALKIN, BELEN and SGROI, 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