

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

D32435  
O/kmb

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

Submitted - September 20, 2011

WILLIAM F. MASTRO, J.P.  
ANITA R. FLORIO  
RANDALL T. ENG  
SANDRA L. SGROI, JJ.

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2010-11605

DECISION & ORDER

In the Matter of Deshaun G. (Anonymous), appellant.

(Docket No. D-31077-09)

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

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Edward F.X. Hart and Marta Ross of counsel; Laura Raposo on the brief), for respondent.

In a juvenile delinquency proceeding pursuant to Family Court Act article 3, Deshaun G. appeals from an order of disposition of the Family Court, Kings County (Toussaint, J.), dated September 22, 2010, which, upon a fact-finding order of the same court dated April 30, 2010, made upon his admission that he had committed an act which constituted the crime of unlawful possession of weapons by persons under 16, adjudged him to be a juvenile delinquent, and placed him on probation for a period of 12 months. The appeal brings up for review the fact-finding order and the denial, after a hearing (Weinstein, J.), of that branch of Deshaun G.'s omnibus motion which was to suppress physical evidence.

ORDERED that the appeal from so much of the order of disposition as placed the appellant on probation for a period of 12 months is dismissed as academic, without costs or disbursements; and it is further,

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

The appeal from so much of the order of disposition as placed the appellant on probation for a period of 12 months has been rendered academic, as the period of placement has

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expired (*see Matter of Javan P.*, 81 AD3d 833).

The Family Court properly denied that branch of the appellant's omnibus motion which was to suppress physical evidence. The evidence presented at the suppression hearing established that there was a lawful basis to stop and detain the appellant as a suspected truant (*see* Education Law § 3213[2]; *Matter of Shannon B.*, 70 NY2d 458; *Matter of Kennedy T.*, 39 AD3d 408; *Matter of D'Angelo H.*, 184 AD2d 1039, 1040; *Matter of Devon B.*, 158 AD2d 519, 520), and the pat-down of the book bag which the appellant was holding was reasonable under the circumstances (*see Matter of Bernard G.*, 247 AD2d 91, 93; *Matter of D'Angelo H.*, 184 AD2d at 1040; *Matter of Mark Anthony G.*, 169 AD2d 89, 92-93; *Matter of Devon B.*, 158 AD2d at 520; *Matter of Terrence G.*, 109 AD2d 440, 445-446).

MASTRO, J.P., FLORIO, ENG and SGROI, JJ., concur.

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court