

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

D32448
H/ct

_____AD3d_____

Submitted - September 15, 2011

A. GAIL PRUDENTI, P.J.
REINALDO E. RIVERA
LEONARD B. AUSTIN
SHERI S. ROMAN, JJ.

2010-09857

DECISION & ORDER

In the Matter of Ziza Nezaj, respondent, v Bajram
Brahimi, appellant.

(Docket No. 0-2906-10)

Jane M. Bloom, Rock Hill, N.Y., for appellant.

Gallo, Feinstein & Naishtut, LLP, Rye Brook, N.Y., for respondent (no brief filed).

In a family offense proceeding pursuant to Family Court Act article 8, Bajram Brahimi appeals from an order of disposition of the Family Court, Orange County (Bivona, J.), dated August 23, 2010, which, upon a finding that he had committed certain family offenses, made after a hearing, and upon the issuance of an order of protection dated July 23, 2010, directed him to comply with the conditions set forth in the order of protection dated July 23, 2010.

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

Contrary to the appellant's contention, a fair preponderance of the evidence presented at the fact-finding hearing supported the Family Court's determination that he had committed certain family offenses, warranting the issuance of an order of protection (*see* Family Ct Act §§ 812[1], 821[1][a]; § 832; *Matter of Williams v Maise*, 85 AD3d 933; *Matter of Amber JJ. v Michael KK.*, 82 AD3d 1558). Moreover, the dismissal of criminal charges against the appellant that were based on certain conduct alleged in the family offense petition did not have a res judicata effect with respect to this family offense proceeding, where proof beyond a reasonable doubt is not required (*see Matter of Schneider v Arata*, 81 AD3d 652, 653).

October 4, 2011

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The appellant's remaining contentions are without merit.

PRUDENTI, P.J., RIVERA, AUSTIN and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court