

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

D33039
O/prt

_____AD3d_____

Submitted - October 27, 2011

ANITA R. FLORIO, J.P.
L. PRISCILLA HALL
LEONARD B. AUSTIN
JEFFREY A. COHEN, JJ.

2011-00854

DECISION & ORDER

In the Matter of Day-Shaun A. E. (Anonymous),
appellant.

(Docket No. D-16892-10)

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

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Stephen J. McGrath
and Susan B. Eisner of counsel; Manisha Padi on the brief), for respondent.

In a juvenile delinquency proceeding pursuant to Family Court Act article 3, Day-Shaun A. E. appeals, as limited by his brief, from so much of an order of disposition of the Family Court, Queens County (Hunt, J.), dated December 2, 2010, as, upon a fact-finding order of the same court dated September 23, 2010, made upon the appellant's admission, finding that he committed an act which, if committed by an adult, would have constituted the crime of attempted robbery in the second degree, placed him on probation in the enhanced supervision program for a period of 24 months, with the condition that he perform 200 hours of community service.

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

“The Family Court has broad discretion in fashioning orders of disposition” (*Matter of Anthony G.*, 82 AD3d 1235, 1235; *see Matter of Cooper C.*, 81 AD3d 643, 644; *Matter of Gustav D.*, 79 AD3d 868, 869). Here, in determining the least restrictive alternative consistent with the appellant's best interests and the need for protection of the community (*see* Family Ct Act §

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352.2[2][a]), the Family Court providently exercised its discretion in placing the appellant on probation in the enhanced supervision program for a period of 24 months, with the condition that he perform 200 hours of community service (*see Matter of Anthony G.*, 82 AD3d at 1235; *Matter of Cooper C.*, 81 AD3d at 644). The disposition is appropriate for several reasons, including the seriousness of the appellant's offense, his poor school attendance and performance, his home environment, the findings in the mental health services report, and the recommendations in the probation report (*see Matter of Gustav D.*, 79 AD3d at 869; *Matter of Summer D.*, 67 AD3d 1008, 1009; *Matter of Gabriel A.*, 12 AD3d 666, 667).

FLORIO, J.P., HALL, AUSTIN and COHEN, 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