

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

D33170
Y/prt

_____AD3d_____

Argued - November 18, 2011

ANITA R. FLORIO, J.P.
RUTH C. BALKIN
ARIEL E. BELEN
CHERYL E. CHAMBERS, JJ.

2010-10931

DECISION & ORDER

In the Matter of Shawn Bailey-Felton, respondent,
v Maurice Felton, appellant.

(Docket No. O-31415-08)

Omotayo Orederu, Glenville, N.Y., for appellant.

Barbara C. Kryszko, New York, N.Y., for respondent.

Karen P. Simmons, Brooklyn, N.Y. (Janet Neustaetter of counsel), attorney for the children.

In a family offense proceeding pursuant to Family Court Act article 8, the appeal is from an order of fact-finding, disposition, and protection of the Family Court, Kings County (Graham, J.), dated October 6, 2010, which, after a fact-finding and dispositional hearing, found that the appellant had committed certain family offenses and which, upon a finding of aggravating circumstances, directed the appellant to stay away from the petitioner and the parties' two youngest children for a period of five years.

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

“The determination of whether a family offense was committed is a factual issue to be resolved by the Family Court, and its determinations regarding the credibility of witnesses are entitled to great weight on appeal” (*Matter of Genzen v Genzen*, 74 AD3d 1196, 1196). Here, the record supports the Family Court's determination that the petitioner established, by a preponderance

December 6, 2011

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of the evidence, that the appellant committed certain family offenses, and also reveals the existence of aggravating circumstances justifying the Family Court's five-year order of protection with respect to the petitioner and the parties' two youngest children (*see Matter of Williams v Maise*, 85 AD3d 933; *Matter of Kaur v Singh*, 73 AD3d 1178; *Matter of Gonzalez v Acosta*, 73 AD3d 921; *Matter of Dell'Isola v Dell'Isola*, 19 AD3d 488).

The appellant's remaining contentions are without merit.

FLORIO, J.P., BALKIN, BELEN and CHAMBERS, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court