

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

D33380
W/prt

_____AD3d_____

Submitted - November 22, 2011

WILLIAM F. MASTRO, A.P.J.
L. PRISCILLA HALL
SANDRA L. SGROI
JEFFREY A. COHEN, JJ.

2010-09558

DECISION & ORDER

In the Matter of Christiana R. H. (Anonymous),
appellant.

(Docket No. D-36442-09)

Geanine Towers, Brooklyn, N.Y., for appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Larry A. Sonnenshein
and Andrew S. Wellin of counsel), for respondent.

In a juvenile delinquency proceeding pursuant to Family Court Act article 3, Christiana R. H. appeals from an order of disposition of the Family Court, Kings County (Turbow, J.), dated September 10, 2010, which, upon a fact-finding order of the same court dated July 30, 2010, made after a hearing, finding that she committed acts which, if committed by an adult, would have constituted the crime of assault in the third degree, adjudged her to be a juvenile delinquent and placed her on probation for a period of 12 months. The appeal from the order of disposition brings up for review the fact-finding order dated July 30, 2010.

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

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

The appellant's right to a speedy fact-finding hearing (*see* Family Ct Act § 340.1[2])

December 20, 2011

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was not violated. The record indicates that the appellant's counsel waived the appellant's right to challenge the adjournment of the fact-finding hearing from February 4, 2010, to March 9, 2010, because counsel consented to that adjournment. Moreover, "special circumstances" existed warranting the successive adjournments from March 9, 2010, to March 10, 2010, and then to March 23, 2010, based on the absence of the co-respondent's counsel due to illness (*see Matter of Andre C.*, 249 AD2d 386), and the "the Family Court Act . . . preference for a single fact-finding hearing in cases involving multiple respondents" (*Matter of Davonte B.*, 44 AD3d 763, 764; *see Family Ct Act* § 311.3[1]).

MASTRO, A.P.J., HALL, SGROI and COHEN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court