

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

D33420
O/kmb

_____AD3d_____

Argued - November 18, 2011

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

2010-09677

DECISION & ORDER

In the Matter of Gawen M. (Anonymous), appellant.

(Docket No. D-5596-10)

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

John Ciampoli, County Attorney, Mineola, N.Y. (Joseph A. Kellermann and Robert Vanderwaag of counsel), for respondent.

In a juvenile delinquency proceeding pursuant to Family Court Act article 3, Gawen M. appeals, as limited by his brief, from so much of an order of disposition of the Family Court, Nassau County (Singer, J.), dated August 31, 2010, as, upon a fact-finding order of the same court dated June 10, 2010, made upon his admission, finding that he had committed an act which, if committed by an adult, would have constituted the crime of sexual abuse in the first degree, placed him in the custody of the New York State Office of Children and Family Services for a period of 15 months for placement in a residential treatment facility.

ORDERED that the appeal is dismissed as academic, without costs or disbursements.

The only issues raised by the appellant concern that portion of the order of disposition which placed him in the custody of the New York State Office of Children and Family Services for a period of 15 months for placement in a residential treatment facility. Since the placement ended, the appeal must be dismissed as academic (*see Matter of Eric R.*, 78 AD3d 841; *Matter of Ricardo Z.*, 75 AD3d 606; *Matter of Iyanna D.*, 74 AD3d 1061; *Matter of Trayvond W.*, 71 AD3d 683; *Matter of Ramon D.*, 70 AD3d 685; *Matter of Joseph R.*, 49 AD3d 651; *Matter of Daniel B.*, 41 AD3d 711). Contrary to the appellant's contention, this matter does not warrant invoking the

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exception to the mootness doctrine (*see Matter of Hearst Corp. v Clyne*, 50 NY2d 707, 714).

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

ENTER:


Aprilanne Agostino
Clerk of the Court