

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

D33607
G/mv

_____AD3d_____

Submitted - December 13, 2011

ANITA R. FLORIO, J.P.
ARIEL E. BELEN
SHERI S. ROMAN
SANDRA L. SGROI, JJ.

2011-02710

DECISION & ORDER

In the Matter of Adina Mc. (Anonymous), appellant.

(Docket No. D-18495-10)

Etta Ibok, Brooklyn, N.Y., for appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Edward F. X. Hart and
Marta Ross of counsel), for respondent.

In a juvenile delinquency proceeding pursuant to Family Court Act article 3, Adina Mc. appeals from an order of disposition of the Family Court, Kings County (Freeman, J.), dated March 11, 2011, which, upon a fact-finding order of the same court dated January 28, 2011, made after a hearing, finding that she committed acts which, if committed by an adult, would have constituted the crimes of assault in the second degree and criminal possession of a weapon in the fourth degree, adjudged her to be a juvenile delinquent and placed her on probation for a period of 18 months. The appeal from the order of disposition brings up for review the fact-finding order.

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

Viewing the evidence in the light most favorable to the presentment agency (*see Matter of David H.*, 69 NY2d 792, 793; *cf. People v Contes*, 60 NY2d 620, 621), we find that it was legally sufficient to establish, beyond a reasonable doubt, that the appellant committed acts which, if committed by an adult, would have constituted the crimes of assault in the second degree and criminal possession of a weapon in the fourth degree (*see Family Ct Act* § 342.2[2]; *cf. People v Edmondson*, 281 AD2d 184, 185). Moreover, in fulfilling our responsibility to conduct an

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independent review of the weight of the evidence (*see Matter of Michale A.C.*, 73 AD3d 1042, 1043; *cf. CPL 470.15[5]; People v Danielson*, 9 NY3d 342), we nevertheless accord great deference to the opportunity of the finder of fact to view the witnesses, hear the testimony, and observe demeanor (*see Matter of Hasan C.*, 59 AD3d 617, 617-618; *cf. People v Mateo*, 2 NY3d 383, 410, *cert denied* 542 US 946; *People v Bleakley*, 69 NY2d 490, 495). Upon our review of the record, we are satisfied that the Family Court's determination was not against the weight of the evidence (*cf. People v Romero*, 7 NY3d 633).

FLORIO, J.P., BELEN, ROMAN and SGROI, JJ., concur.

ENTER:

A handwritten signature in black ink, appearing to read "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court