

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

D33747
G/kmb

_____AD3d_____

Submitted - January 10, 2012

RUTH C. BALKIN, J.P.
JOHN M. LEVENTHAL
ARIEL E. BELEN
SHERI S. ROMAN, JJ.

2011-00858

DECISION & ORDER

In the Matter of Natasha G. (Anonymous),
appellant.

(Docket No. D-21258-10)

Steven Banks, New York, N.Y. (Tamara A. Steckler and Raymond E. Rogers of counsel), for appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Larry A. Sonnenshein of counsel; Kathy Chang on the brief), for respondent.

In a juvenile delinquency proceeding pursuant to Family Court Act article 3, Natasha G. appeals from an order of disposition of the Family Court, Queens County (Hunt, J.), dated December 2, 2010, which, upon a fact-finding order of the same court dated October 20, 2010, made upon her admission, finding that she had committed acts which, if committed by an adult, would have constituted the crimes of petit larceny and criminal possession of stolen property in the fifth degree, adjudged her to be a juvenile delinquent and placed her on probation for a period of 12 months.

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

Despite the fact that the term of the appellant's probation has already expired, there may be collateral consequences resulting from the adjudication of delinquency and, therefore, the appeal has not been rendered academic (*see Matter of Tafari M.*, 90 AD3d 1052; *Matter of Isaiah I.*, 23 AD3d 469; *Matter of Ejiro A.*, 268 AD2d 428; *see also* Family Ct Act § 381.2[2]).

Contrary to the appellant's contention, the Family Court providently exercised its discretion in adjudicating her a juvenile delinquent and directing a 12-month period of probation

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instead of giving her an adjournment in contemplation of dismissal (*see* Family Ct Act § 315.3). In juvenile delinquency proceedings, the Family Court has broad discretion in determining the proper disposition (*see Matter of Antoine H.*, 81 AD3d 646; *Matter of Eunique B.*, 73 AD3d 764). The appellant was not entitled to an adjournment in contemplation of dismissal merely because this was her first encounter with the law, or in light of the other mitigating circumstances that she cites (*see Matter of Liston J.*, 81 AD3d 648, 648). The record establishes that the Family Court's imposition of probation was the least restrictive alternative consistent with the appellant's best interests and the need for protection of the community (*see* Family Ct Act § 352.2[2][a]).

BALKIN, J.P., LEVENTHAL, BELEN and ROMAN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court