

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

D33752
C/kmb

_____AD3d_____

Argued - January 5, 2012

DANIEL D. ANGIOLILLO, J.P.
ANITA R. FLORIO
CHERYL E. CHAMBERS
L. PRISCILLA HALL, JJ.

2011-01874

DECISION & ORDER

In the Matter of State of New York, respondent,
v Jemal M. (Anonymous), appellant.

(Index No. 5661/08)

Mental Hygiene Legal Service, Mineola, N.Y. (Lesley M. DeLia, Dennis Feld, and
Ana Vuk-Pavlovic of counsel), for appellant.

Eric T. Schneiderman, Attorney General, New York, N.Y. (Cecelia C. Chang and
David Lawrence III of counsel), for respondent.

In a proceeding pursuant to Mental Hygiene Law article 10 for the civil management of Jemal M., a sex offender allegedly requiring civil management, Jemal M. appeals from an amended order of the Supreme Court, Westchester County (Cacace, J.), entered January 11, 2011, which, upon a jury verdict finding that he suffers from a mental abnormality as defined in Mental Hygiene Law § 10.03(i), and a determination, made after a dispositional hearing, that he currently is a dangerous sex offender requiring civil confinement, in effect, granted the petition and directed that he be committed to a secure treatment facility for care, treatment, and control until such time as he no longer requires confinement.

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

The evidence was legally sufficient to support the jury's verdict since there was a valid line of reasoning by which the jury concluded that the appellant suffers from a mental abnormality, as that term is defined in Mental Hygiene Law § 10.03(i) (*see Matter of State of New York v Anonymous*, 82 AD3d 1250, 1251; *Matter of State of New York v Derrick B.*, 68 AD3d 1124,

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1126). Moreover, the verdict that the appellant suffered from a mental abnormality was supported by a fair interpretation of the evidence and, thus, was not contrary to the weight of the evidence (*see Matter of State of New York v Anonymous*, 82 AD3d at 1251; *Matter of State of New York v Andre L.*, 84 AD3d 1248, 1249-1250).

Additionally, clear and convincing evidence supports the Supreme Court's determination that the abnormality from which the appellant suffers involves such a strong predisposition to commit sex offenses, and such an inability to control behavior, that the appellant is likely to be a danger to others and to commit sex offenses if not confined to a secure treatment facility (*see* Mental Hygiene Law § 10.07[f]; *Matter of State of New York v Anonymous*, 82 AD3d at 1252). Accordingly, upon that finding, the Supreme Court properly determined that the appellant is a dangerous sex offender requiring confinement (*see* Mental Hygiene Law §§ 10.03[e], 10.07[f]; *Matter of State of New York v Anonymous*, 82 AD3d at 1252).

ANGIOLILLO, J.P., FLORIO, CHAMBERS and HALL, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court