

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

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Y/kmb

_____AD3d_____

Submitted - February 6, 2012

REINALDO E. RIVERA, J.P.
DANIEL D. ANGIOLILLO
JOHN M. LEVENTHAL
JEFFREY A. COHEN, JJ.

2011-04101

DECISION & ORDER

In the Matter of Donovan E. (Anonymous),
appellant.

(Docket No. D-1962-10)

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 H. Chang on the brief), for respondent.

In a juvenile delinquency proceeding pursuant to Family Court Act article 3, Donovan E. appeals from an order of disposition of the Family Court, Kings County (Turbow, J.), dated March 22, 2011, which, upon a fact-finding order of the same court dated August 12, 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 misconduct, adjudged him to be a juvenile delinquent and conditionally discharged him for a period of 12 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.

Contrary to the appellant's contention, the Family Court providently exercised its discretion in adjudicating him a juvenile delinquent and directing a 12-month period of conditional discharge instead of ordering an adjournment in contemplation of dismissal (*see* Family Ct Act §§ 315.3, 352.1, 352.2). The Family Court has broad discretion in fashioning orders of disposition (*see Matter of Tafari M.*, 90 AD3d 1052; *Matter of Anthony G.*, 82 AD3d 1235), and its determination

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is accorded great deference (*see Matter of Leonard J.*, 67 AD3d 911, 912; *Matter of Michael D.*, 60 AD3d 945). The record reveals that the Family Court gave careful consideration to whether the placement of the appellant on conditional discharge was the least restrictive alternative consistent with his best interests and the need for protection of the community (*see Family Ct Act § 352.2[2][a]*). The disposition reflects a provident exercise of discretion under the circumstances of this case, including the seriousness of the offense, the recommendation of the New York City Department of Probation, and evidence indicating the appellant's continuing need for court-supervised therapy and treatment (*see Matter of Tafari M.*, 90 AD3d at 1052; *Matter of Bryant M.*, 82 AD3d 509, 510; *Matter of Jonathan F.*, 72 AD3d 963, 964).

RIVERA, J.P., ANGIOLILLO, LEVENTHAL and COHEN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court