

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

D34610
Y/ct

____AD3d____

Submitted - March 22, 2012

PETER B. SKELOS, J.P.
ANITA R. FLORIO
RANDALL T. ENG
SHERI S. ROMAN, JJ.

2011-01955

DECISION & ORDER

In the Matter of Edwin O. (Anonymous), respondent;
Presentment Agency, appellant.

(Docket No. D-18435/10)

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Larry A. Sonnenshein and Andrew S. Wellin of counsel), for appellant.

Michael A. Fiechter, Bellmore, N.Y., for respondent.

In a juvenile delinquency proceeding pursuant to Family Court Act article 3, the Presentment Agency appeals from an order of the Family Court, Kings County (Elkins, J.), dated October 18, 2010, which dismissed the petition.

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

Contrary to the Presentment Agency's contention, the Family Court properly dismissed the petition for facial insufficiency (*see Matter of Christopher M.*, ____ AD3d ____ [decided herewith]).

SKELOS, J.P., FLORIO, ENG and ROMAN, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

April 24, 2012

MATTER OF O. (ANONYMOUS), EDWIN