

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

D35566
O/kmb

____AD3d____

Argued - June 7, 2012

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
RANDALL T. ENG
SHERI S. ROMAN, JJ.

2011-06447

DECISION & ORDER

In the Matter of Tevon F. (Anonymous), respondent.
Presentment Agency, appellant.

(Docket No. D-1161-11)

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

Jeffrey C. Bluth, Brooklyn, 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 (Toussaint, J.), dated June 2, 2011, which granted Tevon F.'s motion to dismiss the petition and, in effect, dismissed the petition.

ORDERED that the order is reversed, on the law, without costs or disbursements, Tevon F.'s motion to dismiss the petition is denied, the petition is reinstated, and the matter is remitted to the Family Court, Kings County, for further proceedings on the petition.

The Family Court erred in dismissing the petition (*see Matter of Shakeim C.*, ____AD3d____ [decided herewith]).

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

ENTER:


Aprilanne Agostino
Clerk of the Court

July 11, 2012

MATTER OF F. (ANONYMOUS), TEVON