

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

D36198
G/hu

_____AD3d_____

Submitted - September 18, 2012

REINALDO E. RIVERA, J.P.
CHERYL E. CHAMBERS
L. PRISCILLA HALL
SHERI S. ROMAN, JJ.

2011-09684
2011-09685

DECISION & ORDER

In the Matter of Richard H. (Anonymous), appellant.

(Docket No. D-5734-11)

Ralph R. Carrieri, Mineola, N.Y., for appellant.

John Ciampoli, County Attorney, Mineola, N.Y. (Robert F. Van der Waag of counsel), for respondent.

In a juvenile delinquency proceeding pursuant to Family Court Act article 3, Richard H. appeals from (1) an order of disposition of the Family Court, Nassau County (Greenberg, J.), dated September 7, 2011, which, upon a fact-finding order of the same court dated July 27, 2011, made upon his admission, finding that he committed an act which, if committed by an adult, would have constituted the crime of attempted assault in the third degree, adjudged him to be a juvenile delinquent and placed him on probation for a period of 12 months, and (2) an order of protection of the same court, also dated September 7, 2011, which directed him, inter alia, to stay away from Thomas G. until and including September 6, 2012.

ORDERED that the appeal from so much of the order of disposition as placed Richard H. on probation for a period of 12 months is dismissed as academic, without costs or disbursements, as the period of placement has expired; and it is further,

ORDERED that the order of disposition is affirmed insofar as reviewed, without costs or disbursements; and it is further,

ORDERED that the appeal from the order of protection is dismissed as academic,

October 24, 2012

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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 from so much of the order of disposition as adjudged the appellant to be a juvenile delinquent has not been rendered academic (*see Matter of Natasha G.*, 91 AD3d 948; *Matter of Tafari M.*, 90 AD3d 1052; *Matter of Ejiro A.*, 268 AD2d 428, 428).

Contrary to the appellant's contention, the Family Court properly adjudged him to be a juvenile delinquent, since a preponderance of the evidence supported its determination that he required "supervision, treatment or confinement" (Family Ct Act § 352.1[1]; *see Matter of Janay P.*, 11 AD3d 697; *Matter of Kryzstof K.*, 283 AD2d 431, 432).

The order of protection expired by its own terms on September 6, 2012, and the determination of the appeal from that order of protection would, under the facts of this case, have no direct effect upon the parties (*see Matter of Max F. [Emma F.-G.]*, 97 AD3d 816, 817; *Matter of Claudia G. [Ermelio G.]*, 71 AD3d 894, 895; *Matter of Brittany C. [Linda C.]*, 67 AD3d 788, 789-790). Accordingly, the appeal from the order of protection must be dismissed as academic.

RIVERA, J.P., CHAMBERS, HALL and ROMAN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court