

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

81

**CAF 16-01182**

PRESENT: CARNI, J.P., LINDLEY, NEMOYER, CURRAN, AND TROUTMAN, JJ.

---

IN THE MATTER OF JUSTIN T.

-----  
ONONDAGA COUNTY DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES, PETITIONER-RESPONDENT;

MEMORANDUM AND ORDER

JOSEPH M., RESPONDENT-APPELLANT.

---

D.J. & J.A. CIRANDO, PLLC, SYRACUSE (ELIZABETH deV. MOELLER OF  
COUNSEL), FOR RESPONDENT-APPELLANT.

ROBERT A. DURR, COUNTY ATTORNEY, SYRACUSE (ANN MAGNARELLI OF COUNSEL),  
FOR PETITIONER-RESPONDENT.

JOHN W. SHARON, SYRACUSE, ATTORNEY FOR THE CHILD.

---

Appeal from an order of the Family Court, Onondaga County  
(Michele Pirro Bailey, J.), entered June 6, 2016 in a proceeding  
pursuant to Family Court Act article 10. The order, inter alia,  
determined the subject child to be abused and neglected.

It is hereby ORDERED that the order so appealed from is  
unanimously affirmed without costs.

Memorandum: Respondent father appeals from an order that, inter  
alia, determined that he derivatively abused and neglected the subject  
child. We affirm for reasons stated in the February 10, 2016 bench  
decision at Family Court. We add only that the father did not  
" 'demonstrate the absence of strategic or other legitimate  
explanations for counsel's alleged shortcomings' at the hearing"  
(*Matter of Brown v Gandy*, 125 AD3d 1389, 1390-1391 [4th Dept 2015],  
quoting *People v Benevento*, 91 NY2d 708, 712 [1998]).

Entered: March 15, 2019

Mark W. Bennett  
Clerk of the Court