

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

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**CAF 17-01978**

PRESENT: WHALEN, P.J., PERADOTTO, CARNI, LINDLEY, AND CURRAN, JJ.

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IN THE MATTER OF CHARLENE N. ZYLINSKI,  
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

MICHAEL E. DINUNZIO, RESPONDENT-RESPONDENT.

(APPEAL NO. 3.)

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CHARLES J. GREENBERG, AMHERST, FOR PETITIONER-APPELLANT.

HOGANWILLIG, PLLC, AMHERST (REBECCA M. KUJAWA OF COUNSEL), FOR  
RESPONDENT-RESPONDENT.

KELLY L. BALL, BUFFALO, ATTORNEY FOR THE CHILD.

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Appeal from an order of the Family Court, Erie County (Deanne M. Tripi, J.), entered January 26, 2017 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition.

It is hereby ORDERED that said appeal is dismissed except insofar as Charlene N. Zylinski challenges the validity of her waiver of the right to counsel, and the order is affirmed without costs.

Same memorandum as in *Matter of DiNunzio v Zylinski* ([appeal No. 1] – AD3d – [Aug. 22, 2019] [4th Dept 2019]).

WHALEN, P.J., PERADOTTO and LINDLEY, JJ., concur; CURRAN, J., dissents and votes to dismiss appeal Nos. 1-5 in the same dissenting memorandum as in *Matter of DiNunzio v Zylinski* ([appeal No. 1] – AD3d – [Aug. 22, 2019] [4th Dept 2019]); CARNI, J., dissents and votes to dismiss appeal Nos. 1-5 in the same dissenting memorandum as in *Matter of DiNunzio v Zylinski* ([appeal No. 1] – AD3d – [Aug. 22, 2019] [4th Dept 2019]).

Entered: August 22, 2019

Mark W. Bennett  
Clerk of the Court