

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

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CAF 08-00976

PRESENT: SMITH, J.P., FAHEY, PERADOTTO, CARNI, AND GORSKI, JJ.

IN THE MATTER OF VINCENT D.,
RESPONDENT-RESPONDENT.

ERIE COUNTY ATTORNEY, PETITIONER-APPELLANT.
(APPEAL NO. 4.)

MEMORANDUM AND ORDER

CHERYL A. GREEN, COUNTY ATTORNEY, BUFFALO (MICHAEL J. LISZEWSKI OF
COUNSEL), FOR PETITIONER-APPELLANT.

GIOVANNI GENOVESE, LAW GUARDIAN, BUFFALO, FOR RESPONDENT-RESPONDENT.

Appeal from an order of the Family Court, Erie County (Paul G. Buchanan, J.), entered March 12, 2008 in a proceeding pursuant to Family Court Act article 3. The order, insofar as appealed from, dismissed the charge of assault in the third degree.

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

Same Memorandum as in *Matter of Jonathan M.* (___ AD3d ___ [Apr. 24, 2009]).

Entered: April 24, 2009

Patricia L. Morgan
Deputy Clerk of the Court