

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

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CAF 20-00429

PRESENT: PERADOTTO, J.P., CARNI, LINDLEY, WINSLOW, AND BANNISTER, JJ.

IN THE MATTER OF ANTHONY W.

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

MEMORANDUM AND ORDER

ANTOINETTE K., RESPONDENT,
AND ANTHONY W., RESPONDENT-APPELLANT.

FRANK H. HISCOCK LEGAL AID SOCIETY, SYRACUSE (TYLER BUGDEN OF
COUNSEL), FOR RESPONDENT-APPELLANT.

ROBERT A. DURR, COUNTY ATTORNEY, SYRACUSE (JOSEPH M. MARZOCCHI OF
COUNSEL), FOR PETITIONER-RESPONDENT.

CATHERINE M. SULLIVAN, OSWEGO, ATTORNEY FOR THE CHILD.

Appeal from an order of the Family Court, Onondaga County
(Michael L. Hanuszczak, J.), entered February 10, 2020 in a proceeding
pursuant to Family Court Act article 10. The order denied the motion
of respondent Anthony W. to dismiss the petition.

It is hereby ORDERED that said appeal is unanimously dismissed
without costs.

Memorandum: In this proceeding pursuant to Family Court Act
article 10, respondent father appeals from an order that denied his
motion to dismiss the petition against him. After entry of that
order, Family Court entered an order of fact-finding and disposition
from which respondent has not appealed. The appeal from the
intermediate order must be dismissed because the right of direct
appeal therefrom terminated with the entry of the order of disposition
(see *Matter of Aho*, 39 NY2d 241, 248 [1976]; *Matter of Brittany C.*
[Linda C.], 67 AD3d 788, 789 [2d Dept 2009], lv denied 14 NY3d 702
[2010]; see generally *Matter of Heavenly A. [Michael P.]*, 173 AD3d
1621, 1622 [4th Dept 2019]).

Entered: December 23, 2021

Ann Dillon Flynn
Clerk of the Court