

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

847

CAF 14-02250

PRESENT: WHALEN, P.J., CENTRA, NEMOYER, TROUTMAN, AND SCUDDER, JJ.

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IN THE MATTER OF ASHLEY FINZER,  
PETITIONER-RESPONDENT,

V

MEMORANDUM AND ORDER

GEORGE MANNING, III, RESPONDENT-APPELLANT.

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PATRICIA M. MCGRATH, LOCKPORT, FOR RESPONDENT-APPELLANT.

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Appeal from an order of the Family Court, Orleans County (James P. Punch, J.), entered November 25, 2014 in a proceeding pursuant to Family Court Act article 8. The order, among other things, placed respondent on probation for one year.

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

Memorandum: Respondent appeals from an order that, inter alia, granted the family offense petition and imposed a one-year period of probation and a two-year order of protection. Contrary to respondent's contention, Family Court did not abuse its discretion by imposing a term of probation pursuant to Family Court Act § 841 (c) (see generally *Martin v Flynn*, 133 AD3d 1369, 1370).

Contrary to respondent's further contention, "[t]he record, viewed in its totality, establishes that [respondent] received meaningful representation" (*Matter of Heffner v Jaskowiak*, 132 AD3d 1418, 1418; see generally *People v Benevento*, 91 NY2d 708, 712). Indeed, respondent's contention that he did not receive effective assistance of counsel "is impermissibly based on speculation, i.e., that favorable evidence could and should have been offered on his behalf" (*Matter of Devonte M.T. [Leroy T.]*, 79 AD3d 1818, 1819).

Entered: October 7, 2016

Frances E. Cafarell  
Clerk of the Court