

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

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Submitted - November 14, 2008

WILLIAM F. MASTRO, J.P.
ANITA R. FLORIO
RANDALL T. ENG
CHERYL E. CHAMBERS, JJ.

2008-02703

DECISION & ORDER

In the Matter of Victor I. (Anonymous), appellant.

(Docket No. D-3535-07)

Steven Banks, New York, N.Y. (Tamara Steckler and Raymond E. Rogers of counsel), for appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Alan Beckoff of counsel; Ryan Gee on the brief), for respondent.

In a juvenile delinquency proceeding pursuant to Family Court Act article 3, the appeal is from an order of disposition of the Family Court, Queens County (Lubow, J.), dated February 26, 2008, which, upon a fact-finding order of the same court dated December 18, 2007, made after a hearing, finding that the appellant had committed acts which, if committed by an adult, would have constituted the crime of obstructing governmental administration in the second degree, adjudged him to be a juvenile delinquent and placed him under the supervision of the New York City Department of Probation in the County of Queens for a period of two years. The appeal brings up for review the fact-finding order dated December 18, 2007.

ORDERED that the order of disposition is affirmed, without costs or disbursements.

Viewing the evidence in the light most favorable to the presentment agency (*see Matter of David H.*, 69 NY2d 792, 793), we find it was legally sufficient to establish that the appellant committed acts, which, if committed by an adult, would have constituted the crime of obstructing governmental administration in the second degree (*see Penal Law § 190.05; Matter of Shaunise R.*, 40 AD3d 766; *Matter of Garrick B.*, 30 AD3d 217, 218; *Matter of Darnell C.*, 305

December 16, 2008

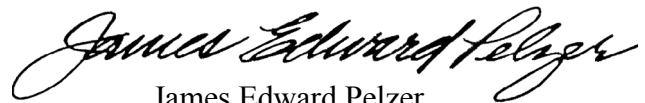
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AD2d 405). Moreover, in conducting an independent review of the weight of the evidence (*cf.* CPL 470.15[5]; *People v Danielson*, 9 NY3d 342), we nevertheless accord great deference to the factfinder's opportunity to view the witnesses, hear the testimony, and observe demeanor (*cf.* *People v Mateo*, 2 NY3d 383, 410, *cert denied* 542 US 946; *People v Bleakley*, 69 NY2d 490, 495). Upon reviewing the record here, we are satisfied that the findings of fact were not against the weight of the evidence (*cf.* *People v Romero*, 7 NY3d 633).

MASTRO, J.P., FLORIO, ENG and CHAMBERS, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court