

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

D23770
O/prt

_____AD3d_____

Submitted - June 1, 2009

REINALDO E. RIVERA, J.P.
MARK C. DILLON
RUTH C. BALKIN
LEONARD B. AUSTIN, JJ.

2008-06759

DECISION & ORDER

In the Matter of Timothy B. (Anonymous), appellant.

(Docket No. D-27445-07)

Michael A. Fiechter, Bellmore, N.Y., for appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Francis F. Caputo and Dona B. Morris of counsel), 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, Kings County (Elkins, J.) dated June 19, 2008, which, upon a fact-finding order of the same court dated February 29, 2008, made after a hearing, finding that the appellant had committed acts which, if committed by an adult, would have constituted the crimes of criminal possession of a weapon in the second degree, criminal possession of a weapon in the fourth degree, and unlawful possession of weapons by a person under sixteen (three counts), adjudged him to be a juvenile delinquent and placed him on probation for a period of 24 months. The appeal from the order of disposition brings up for review the fact-finding order.

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

Contrary to the appellant's contention, the Family Court properly applied the automobile presumption (*see* Penal Law § 265.15[3]; *Matter of Jonathan V.*, 55 AD3d 273, 276; *Matter of Tamara E.*, 19 AD3d 489, 489-490).

June 30, 2009

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MATTER OF B. (ANONYMOUS), TIMOTHY

The appellant's remaining contentions are without merit.

RIVERA, J.P., DILLON, BALKIN and AUSTIN, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court