

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

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E/nl

STEVEN W. FISHER, J.P.  
RUTH C. BALKIN  
WILLIAM E. McCARTHY  
JOHN M. LEVENTHAL, JJ.

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2008-09742

DECISION & ORDER ON MOTION

In the Matter of Shourik D. (Anonymous),  
appellant.

(Docket No. D-14747/08)

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Motion by the appellant to stay enforcement of so much of an order of the Family Court, Suffolk County, dated October 17, 2008, as directed his placement in a limited secure facility until April 7, 2010, and to release him to the care and custody of his father, Notan D., pending hearing and determination of an appeal from the order, and for a preference in the calendaring of the appeal.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the branches of the motion which are to stay enforcement of so much of the order dated October 17, 2008, as directed the appellant's placement in a limited secure facility until April 7, 2010, and to release the appellant to the care and custody of his father, Notan D., are granted, and that portion of the order dated October 17, 2008, is stayed and the appellant shall be released to the care and custody of his father, Notan D., pending hearing and determination of the appeal on condition that (1) the appellant surrender his passport, if any, to the Office of the Suffolk County Attorney, and (2) the appeal is perfected on or before December 1, 2008; and it is further,

ORDERED that in the event the appellant does not comply with the foregoing conditions, the court, on its own motion, may vacate the stay, or the respondent may move to vacate the stay, on three days notice; and it is further,

ORDERED that upon receipt of a copy of this order together with proof that the appellant has surrendered his passport, if any, to the Office of the Suffolk County Attorney, the administrator of the limited secure facility where the appellant is located, or his or her agent, is directed to immediately release the appellant to the care and custody of his father, Notan D.; and it

October 31, 2008

MATTER OF D. (ANONYMOUS), SHOURIK

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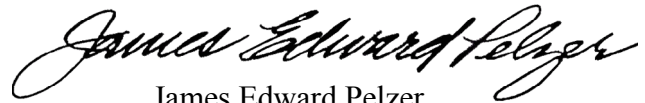
is further,

ORDERED that the matter is remitted to the Family Court, Suffolk County, for entry of an order directing appropriate outpatient treatment for the appellant pending hearing and determination of the appeal from the order dated October 17, 2008; and it is further,

ORDERED that the branch of the motion which is for a preference in the calendaring of the appeal is denied as unnecessary (*see* Family Ct Act 1112; CPLR 5521).

FISHER, J.P., BALKIN, McCARTHY and LEVENTHAL, 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