

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

1053

CAF 12-00602

PRESENT: SCUDDER, P.J., SMITH, FAHEY, LINDLEY, AND MARTOCHE, JJ.

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IN THE MATTER OF MICHAEL H., JR.,  
RESPONDENT-APPELLANT.

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ERIE COUNTY ATTORNEY,  
PETITIONER-RESPONDENT.

MEMORANDUM AND ORDER

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DAVID C. SCHOPP, ATTORNEY FOR THE CHILD, THE LEGAL AID BUREAU OF  
BUFFALO, INC., BUFFALO (CHARLES D. HALVORSEN OF COUNSEL), FOR  
RESPONDENT-APPELLANT.

MICHAEL A. SIRAGUSA, COUNTY ATTORNEY, BUFFALO (MICHAEL J. LISZEWSKI OF  
COUNSEL), FOR PETITIONER-RESPONDENT.

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Appeal from an order of the Family Court, Erie County (Patricia  
A. Maxwell, J.), entered October 27, 2011 in a proceeding pursuant to  
Family Court Act article 3. The order placed respondent on probation  
for a period of six months.

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

Memorandum: On appeal from an order that adjudicated him to be a  
juvenile delinquent and placed him on probation for a term of six  
months, respondent contends only that, by imposing a term of probation  
and issuing an order of protection, Family Court failed to adopt the  
"least restrictive available alternative" as required by Family Court  
Act § 352.2 (2) (a). Inasmuch as the term of probation and order of  
protection issued by the court have expired, this appeal is moot (see  
*Matter of Alex N.*, 255 AD2d 626, 627).

Entered: October 5, 2012

Frances E. Cafarell  
Clerk of the Court