

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

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**CAF 11-02335**

PRESENT: CENTRA, J.P., FAHEY, CARNI, SCONIERS, AND VALENTINO, JJ.

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IN THE MATTER OF JOHNNY TORRES,  
PETITIONER-APPELLANT,

V

ORDER

JAMIE NESTARK, RESPONDENT-RESPONDENT.

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JENNIFER M. LORENZ, LANCASTER, FOR PETITIONER-APPELLANT.

EVELYNE A. O'SULLIVAN, EAST AMHERST, FOR RESPONDENT-RESPONDENT.

DAVID C. SCHOPP, ATTORNEY FOR THE CHILD, THE LEGAL AID BUREAU OF  
BUFFALO, INC., BUFFALO (CHARLES D. HALVORSEN OF COUNSEL), FOR JOHNNY  
T., JR.

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Appeal from an order of the Family Court, Erie County (Margaret  
O. Szczur, J.), entered October 24, 2011 in a proceeding pursuant to  
Family Court Act article 8. The order dismissed the petition.

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

Entered: February 1, 2013

Frances E. Cafarell  
Clerk of the Court