

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

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CAF 14-00120

PRESENT: SCUDDER, P.J., CENTRA, LINDLEY, SCONIERS, AND DEJOSEPH, JJ.

IN THE MATTER OF CORY J.S.,
RESPONDENT-RESPONDENT.

OSWEGO COUNTY ATTORNEY,
PETITIONER-APPELLANT.

MEMORANDUM AND ORDER

RICHARD C. MITCHELL, COUNTY ATTORNEY, OSWEGO (JAMES K. EBY OF
COUNSEL), FOR PETITIONER-APPELLANT.

SUSAN B. MARRIS, ATTORNEY FOR THE CHILD, MANLIUS, FOR
RESPONDENT-RESPONDENT.

Appeal from an order of the Family Court, Oswego County (Kimberly M. Seager, J.), entered December 8, 2013 in proceedings pursuant to Family Court Act article 3. The order dismissed the petitions.

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

Memorandum: In this juvenile delinquency proceeding pursuant to Family Court Act article 3, petitioner appeals from an order granting respondent's motion to dismiss two petitions in furtherance of justice pursuant to Family Court Act § 315.2. Contrary to petitioner's contention, we conclude that Family Court neither exceeded its authority nor abused its discretion when it dismissed the petitions. The record supports the court's determination, upon its examination and consideration of the relevant statutory factors, that "a finding of delinquency or continued proceedings would constitute or result in injustice" (§ 315.2 [1]; see *Matter of Chris H.*, 197 AD2d 689, 689-690).

Entered: February 6, 2015

Frances E. Cafarell
Clerk of the Court