

59 A.D.3d 725
Supreme Court, Appellate Division,
Second Department, New York.

In the Matter of Lawrence
G. NUSBAUM, respondent,
v.
Susan NUSBAUM, appellant.

Feb. 24, 2009.

Attorneys and Law Firms

Cohen Hennessey Bienstock & Rabin, P.C., New York, N.Y. (Peter Bienstock and Orrit Hershkovitz of counsel), for appellant.

Kantrowitz, Goldhamer & Graifman, P.C., Chestnut Ridge, N.Y. (Paul B. Goldhamer and William T. Schiffman of counsel), for respondent.

Opinion

In a family offense proceeding pursuant to Family Court Act article 8, the wife appeals, as limited by her brief, from so much of an order of disposition of the Family Court, Westchester County (Devlin, J.), dated December 7, 2007, as, after fact-finding and dispositional hearings, was entered upon a fact-finding order of the same court dated August 8, 2007, finding that she committed the family offenses of disorderly conduct and harassment in the second degree.

ORDERED that the order is affirmed insofar as appealed from, without costs or disbursements.

“The determination of whether a family offense was committed is a factual issue to be resolved by the Family Court” (*Matter of Kraus v. Kraus*, 26 A.D.3d 494, 495, 809 N.Y.S.2d 471; see *Matter of Lallmohamed v. Lallmohamed*, 23 A.D.3d 562, 806 N.Y.S.2d 622; *Matter of King v. Flowers*, 13 A.D.3d 629, 786 N.Y.S.2d 345), and its determinations regarding the credibility of witnesses are entitled to great weight on appeal (see *Matter of Topper v. Topper*, 271 A.D.2d 613, 706 N.Y.S.2d 147; *Matter of Hallissey v. Hallissey*, 261 A.D.2d 544, 690 N.Y.S.2d 603; *Matter of Dendy v. Bonelli*, 260 A.D.2d 633, 687 N.Y.S.2d 269). Contrary to the wife's contention, there was legally sufficient proof that she committed acts constituting the family offenses of harassment in the second degree and disorderly conduct, and those offenses were also proved by a preponderance of the evidence (see Family Ct. Act §§ 812, 832; Penal Law §§ 240.20, 240.26[3]; *Matter of Fleming v. Fleming*, 52 A.D.3d 600, 859 N.Y.S.2d 739; *Matter of Rankoth v. Sloan*, 44 A.D.3d 863, 844 N.Y.S.2d 357; *Matter of Bhanote v. Bhanote*, 22 A.D.3d 490, 803 N.Y.S.2d 651; *379 *Matter of Sarmuknis v. Priest*, 21 A.D.3d 381, 383, 800 N.Y.S.2d 28; *Matter of Platsky v. Platsky*, 237 A.D.2d 610, 655 N.Y.S.2d 650).

FISHER, J.P., FLORIO, DICKERSON and BELEN, JJ.,
concur.

Parallel Citations

59 A.D.3d 725, 874 N.Y.S.2d 378 (Mem), 2009 N.Y. Slip Op. 01485