

**APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW
YORK, SECOND JUDICIAL DEPARTMENT**

Matter of Kenneth Shaw v. Trevor Shaw

Matter of Shaw v. Shaw, 2025 NY Slip Op 07389 (Appellate Division of the Supreme Court of the State of New York Second Judicial Department 2025) · No. 2024-11499 · Decided December 31, 2025

SUMMARY

The Appellate Division, Second Department affirmed an order of the Family Court, Kings County, that denied a Family Court Act article 8 petition and dismissed the proceeding. The court held that the petitioner failed to establish by a fair preponderance of the evidence that his brother committed a family offense and declined to disturb the Family Court's credibility determination.

OPINION

PER CURIAM.

Matter of Shaw v Shaw (2025 NY Slip Op 07389) Matter of Shaw v Shaw 2025 NY Slip Op 07389 Decided on December 31, 2025 Appellate Division, Second Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided on December 31, 2025 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department LARA J. GENOVESI, J.P.

LILLIAN WAN LOURDES M. VENTURA SUSAN QUIRK, JJ. 2024-11499 (Docket No. O-3645-22) [*1]In the Matter of Kenneth Shaw, appellant, v Trevor Shaw, respondent. Cheryl Charles-Duval, Brooklyn, NY, for appellant. DECISION & ORDER In a proceeding pursuant to Family Court Act article 8, the petitioner appeals from an order of the Family Court, Kings County (Gregory L. Gliedman, J.), dated October 18, 2024.

The order, after a hearing, in effect, denied the petition and dismissed the proceeding. ORDERED that the order is affirmed, without costs or disbursements. The petitioner commenced this proceeding pursuant to Family Court Act article 8 against his brother.

After a hearing, the Family Court determined that the petitioner, who was the only witness, was not credible. In an order dated October 18, 2024, the court, in effect, denied the petition and dismissed the proceeding.

The petitioner appeals. The allegations in a family offense proceeding must be "supported by a fair preponderance of the evidence" (id. § 832; see Matter of Singh v Kaur, 213 AD3d 771, 771). "The determination of whether a family offense was committed is a factual issue to be resolved by

the Family Court, and its determinations regarding the credibility of witnesses are entitled to great weight on appeal, such that they will not be disturbed unless clearly unsupported by the record" (Matter of Porter v Moore, 149 AD3d 1082, 1083; see Matter of Limanov v Limanov, 225 AD3d 872).

Here, the Family Court's determination that the petitioner failed to establish, by a preponderance of the evidence, that his brother committed a family offense was supported by the record (see Matter of Paek v Alicea, 225 AD3d 877, 878-879; Matter of Goldring v Sprei, 121 AD3d 894, 895).

We discern no basis for disturbing the court's credibility determination (see Matter of Townes v Diggs, 216 AD3d 1104, 1105; M.B. v L.T., 152 AD3d 475, 476). Accordingly, the court properly, in effect, denied the petition and dismissed the proceeding. GENOVESI, J.P., WAN, VENTURA and QUIRK, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court

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