

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

Matter of C. (Jonathan)

2025 NY Slip Op 07383 · No. 2024-08667 · Decided December 31, 2025

SUMMARY

The Appellate Division, Second Department, reviewed a juvenile delinquency disposition adjudicating Jonathan C. a juvenile delinquent for acts that would have constituted sexual abuse and forcible touching if committed by an adult. The court dismissed as academic the challenge to the expired conditional discharge, affirmed the disposition insofar as reviewed, and held that the petition provided sufficient time specificity and that the evidence was legally sufficient and not against the weight of the evidence.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Lara J. Genovesi, J.P.; Lillian Wan, J.; Lourdes M. Ventura, J.; Susan Quirk, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	December 31, 2025
DOCKET	2024-08667
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal in a juvenile delinquency proceeding from a Family Court order of disposition adjudicating Jonathan C. a juvenile delinquent and conditionally discharging him for 12 months.
STANDARD OF REVIEW	Legal sufficiency is reviewed by viewing the evidence in the light most favorable to the presentment agency and asking whether any rational trier of fact could have found all elements of the charged offenses beyond a reasonable doubt. Weight of the evidence is independently reviewed, while according great deference to the factfinder's opportunity to observe witnesses and hear testimony.
PRECEDENTIAL VALUE	Published opinion

TOPICS

family law procedure

appellate procedure

mootness

due process

standard of review

PRACTICE AREAS

juvenile delinquency

family law

criminal procedure

QUESTIONS PRESENTED

1. Whether the appeal from the 12-month conditional discharge was academic because the discharge period had expired.
2. Whether the appeal from the adjudication of juvenile delinquency and underlying fact-finding remained justiciable because of potential collateral consequences.
3. Whether the juvenile delinquency petition was facially sufficient and alleged the charged conduct with sufficient temporal specificity to permit preparation of a defense and protection against further prosecution for the same conduct.
4. Whether the evidence was legally sufficient to establish beyond a reasonable doubt that the appellant committed acts that would have constituted the charged crimes if committed by an adult.
5. Whether the Family Court's fact-finding determination was against the weight of the evidence.

HOLDINGS

1. The appeal from the portion of the order of disposition conditionally discharging Jonathan C. for 12 months was dismissed as academic because the conditional-discharge period had expired.
2. The appeal from the portion of the disposition adjudicating Jonathan C. a juvenile delinquent, which brought up the fact-finding determination for review, was not academic because collateral consequences could result from the adjudication.
3. The petition was not facially deficient and was sufficiently specific because it alleged that the charged acts occurred on a weekday in late June 2022 or early July 2022.
4. The evidence was legally sufficient to establish beyond a reasonable doubt that Jonathan C. committed acts that, if committed by an adult, would have constituted sexual abuse in the first degree, sexual abuse in the third degree, and forcible touching.
5. The Family Court's fact-finding determination was not against the weight of the evidence.

KEY QUOTATIONS

*“However, because there may be collateral consequences resulting from the adjudication of delinquency, the appeal from so much of the order of disposition as adjudicated the appellant a juvenile delinquent, and which brings up for review the fact-finding determination, has not been rendered academic” (*1)*

*“The determination of whether sufficient specificity to adequately prepare a defense has been provided to a defendant by the [petition] must be made on an ad hoc basis by considering all relevant circumstances” (*2)*

FACTUAL BACKGROUND

The juvenile delinquency petition alleged that the charged sexual offenses occurred on a weekday in late June 2022 or early July 2022. The acts allegedly occurred in the complainant's home when no one else but Jonathan C. was present, and the complainant did not report the incident until approximately one year later. After a fact-finding hearing, the Family Court found that Jonathan C. committed acts constituting sexual abuse in the first degree, sexual abuse in the third degree, and forcible touching if committed by an adult.

PROCEDURAL HISTORY

The Family Court, Queens County, entered an order of fact-finding dated April 2, 2024, after a hearing, finding that Jonathan C. committed acts that would have constituted sexual abuse in the first degree, sexual abuse in the third degree, and forcible touching if committed by an adult. The court entered an order of disposition dated August 14, 2024, adjudicating him a juvenile delinquent and conditionally discharging him for 12 months. The Appellate Division dismissed as academic the challenge to the expired conditional discharge and affirmed the order insofar as reviewed.

DISPOSITION

dismissed

CASES CITED

- Matter of Marlon C., 139 AD3d 941, 941
- People v Morris, 61 NY2d 290, 294-296
- In re Gault, 387 US 1, 33-34
- People v Watt, 81 NY2d 772, 774
- Matter of Robert H., 152 AD2d 572, 573
- Matter of Alexander CC., 191 AD3d 1113, 1114-1115
- Matter of Bobby Jo F., 2 AD3d 1472, 1473
- Matter of Ralph D., 163 AD2d 752, 754
- Matter of Malik B., 151 AD3d 842, 843
- Matter of Danielle B., 94 AD3d 757, 758
- Matter of Shenyu Z., 234 AD3d 864, 865

OPINION

PER CURIAM.

Matter of C. (Jonathan) (2025 NY Slip Op 07383) Matter of C. (Jonathan) 2025 NY Slip Op 07383 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. 2024-08667 (Docket No. D-8250-23) [*1]In the Matter of C. (Anonymous), Jonathan, appellant. Twyla Carter, New York, NY (Dawne A. Mitchell and Hannah Kaplan of counsel), for appellant. Muriel Goode-Trufant, Corporation Counsel, New York, NY (Melanie T. West and Jeremy W. Shweder of counsel), for respondent. DECISION & ORDER In a juvenile delinquency proceeding pursuant to Family Court Act article 3, Jonathan C. appeals from an order of disposition of the Family Court, Queens County (Lisa Friederwitzer, J.), dated August 14, 2024.

The order of disposition, upon an order of fact-finding of the same court dated April 2, 2024, made after a hearing, finding that Jonathan C. committed acts that, if committed by an adult, would have constituted the crimes of sexual abuse in the first degree, sexual abuse in the third degree, and forcible touching, adjudicated him a juvenile delinquent and conditionally discharged him for a period of 12 months.

ORDERED that the appeal from so much of the order of disposition as conditionally discharged Jonathan C. for a period of 12 months is dismissed as academic, without costs or disbursements; and it is further, ORDERED that the order of disposition is affirmed insofar as reviewed, without costs or disbursements.

The appeal from so much of the order of disposition as conditionally discharged the appellant for a period of 12 months must be dismissed as academic, as the period of conditional discharge has expired (see Matter of Marlon C., 139 AD3d 941, 941).

However, because there may be collateral consequences resulting from the adjudication of delinquency, the appeal from so much of the order of disposition as adjudicated the appellant a juvenile delinquent, and which brings up for review the fact-finding determination, has not been rendered academic (see Family Ct Act § 783; Matter of Marlon C., 139 AD3d at 941).

A juvenile delinquency petition must contain, among other things, "a statement in each count that the crime charged therein was committed on, or on or about, a designated date, or during a designated period of time" (Family Court Act § 311.1[3][g]).

Here, the petition was not facially deficient, since it alleged that the crimes charged occurred within a designated period of time (see id.). In addition to the requirements of Family Court Act § 311.1(3)(g), "consideration must be given to whether the period of time, as designated in the [petition], serves the function of [*2]protecting [the appellant]'s constitutional right 'to be informed of the nature and cause of the accusation'" (People v Morris, 61 NY2d 290, 294, quoting US

Const, 6th Amend; see NY Const, art I, § 6; see generally *In re Gault*, 387 US 1, 33-34), so as to enable the respondent in a juvenile delinquency proceeding pursuant to Family Court Act article 3 to prepare a defense and to use the judgment against further proceedings or prosecution for the same conduct (see *People v Watt*, 81 NY2d 772, 774; *Matter of Robert H.*, 152 AD2d 572, 573).

"The determination of whether sufficient specificity to adequately prepare a defense has been provided to a defendant by the [petition] must be made on an ad hoc basis by considering all relevant circumstances" (*People v Morris*, 61 NY2d at 295 [emphasis omitted]). Where, as here, the appellant contends that the presentment agency "is able but has failed to obtain more specific information due to a lack of diligent investigatory efforts," the court may consider, among other things, "(1) the age and intelligence of the victim and other witnesses; (2) the surrounding circumstances; and (3) the nature of the offense, including whether it is likely to occur at a specific time or is likely to be discovered immediately" (*id.* at 296).

Here, taking into consideration all of the relevant circumstances, including the complainant's age at the time of the commission of the acts of juvenile delinquency, that time is not a material element of any of the crimes, that the crimes occurred in the complainant's home when no one else but the appellant was present, and that the complainant did not report the incident until approximately one year later, the petition, which alleged that the acts occurred on a "weekday in late June 2022 or early July 2022," was sufficiently specific to allow the appellant to answer the charges and prepare a defense (see *Matter of Alexander CC.*, 191 AD3d 1113, 1114-1115; *Matter of Bobby Jo F.*, 2 AD3d 1472, 1473; *Matter of Ralph D.*, 163 AD2d 752, 754; *Matter of Robert H.*, 152 AD2d 572).

"The evidence supporting a fact-finding in a juvenile delinquency proceeding is legally sufficient if, viewing that evidence in the light most favorable to the presentment agency, any rational trier of fact could have found the appellant's commission of all the elements of the charged crimes beyond a reasonable doubt" (*Matter of Malik B.*, 151 AD3d 842, 843 [internal quotation marks omitted]).

Here, viewing the evidence in the light most favorable to the presentment agency (see *id.*; *Matter of Danielle B.*, 94 AD3d 757, 758), we find that the evidence was legally sufficient to establish, beyond a reasonable doubt, that the appellant committed acts that, if committed by an adult, would have constituted the crimes of sexual abuse in the first degree (Penal Law § 130.65[1]), sexual abuse in the third degree (Penal Law § 130.55), and forcible touching (Penal Law § 130.52[1]).

Moreover, in fulfilling our responsibility to conduct an independent review of the weight of the evidence, we nevertheless accord great deference to the opportunity of the factfinder to view the witnesses, hear the testimony, and observe demeanor (see *Matter of Shenyu Z.*, 234 AD3d 864, 865). Upon reviewing the record here, we are satisfied that the Family Court's fact-finding determination was not against the weight of the evidence.

GENOVESI, J.P., WAN, VENTURA and QUIRK, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court

PER CURIAM.

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designated period of time" (Family Court Act § 311.1[3][g]).

Here, the petition was not facially deficient, since it alleged that the crimes charged occurred within a designated period of time (see *id.*). In addition to the requirements of Family Court Act § 311.1(3)(g), "consideration must be given to whether the period of time, as designated in the [petition], serves the function of [*2]protecting [the appellant]'s constitutional right 'to be informed of the nature and cause of the accusation'" (*People v Morris*, 61 NY2d 290, 294, quoting US Const, 6th Amend; see NY Const, art I, § 6; see generally *In re Gault*, 387 US 1, 33-34), so as to enable the respondent in a juvenile delinquency proceeding pursuant to Family Court Act article 3 to prepare a defense and to use the judgment against further proceedings or prosecution for the same conduct (see *People v Watt*, 81 NY2d 772, 774; *Matter of Robert H.*, 152 AD2d 572, 573).

"The determination of whether sufficient specificity to adequately prepare a defense has been provided to a defendant by the [petition] must be made on an ad hoc basis by considering all relevant circumstances" (*People v Morris*, 61 NY2d at 295 [emphasis omitted]). Where, as here, the appellant contends that the presentment agency "is able but has failed to obtain more specific information due to a lack of diligent investigatory efforts," the court may consider, among other things, "(1) the age and intelligence of the victim and other witnesses; (2) the surrounding circumstances; and (3) the nature of the offense, including whether it is likely to occur at a specific time or is likely to be discovered immediately" (*id.* at 296).

Here, taking into consideration all of the relevant circumstances, including the complainant's age at the time of the commission of the acts of juvenile delinquency, that time is not a material element of any of the crimes, that the crimes occurred in the complainant's home when no one else but the appellant was present, and that the complainant did not report the incident until approximately one year later, the petition, which alleged that the acts occurred on a "weekday in late June 2022 or early July 2022," was sufficiently specific to allow the appellant to answer the charges and prepare a defense (see *Matter of Alexander CC.*, 191 AD3d 1113, 1114-1115; *Matter of Bobby Jo F.*, 2 AD3d 1472, 1473; *Matter of Ralph D.*, 163 AD2d 752, 754; *Matter of Robert H.*, 152 AD2d 572).

"The evidence supporting a fact-finding in a juvenile delinquency proceeding is legally sufficient if, viewing that evidence in the light most favorable to the presentment agency, any rational trier of fact could have found the appellant's commission of all the elements of the charged crimes beyond a reasonable doubt" (*Matter of Malik B.*, 151 AD3d 842, 843 [internal quotation marks omitted]).

Here, viewing the evidence in the light most favorable to the presentment agency (see *id.*; *Matter of Danielle B.*, 94 AD3d 757, 758), we find that the evidence was legally sufficient to establish, beyond a reasonable doubt, that the appellant committed acts that, if committed by an adult, would have constituted the crimes of sexual abuse in the first degree (Penal Law § 130.65[1]), sexual abuse in the third degree (Penal Law § 130.55), and forcible touching (Penal Law § 130.52[1]).

Moreover, in fulfilling our responsibility to conduct an independent review of the weight of the evidence, we nevertheless accord great deference to the opportunity of the factfinder to view the witnesses, hear the testimony, and observe demeanor (see Matter of Shenyu Z., 234 AD3d 864, 865). Upon reviewing the record here, we are satisfied that the Family Court's fact-finding determination was not against the weight of the evidence.

GENOVESI, J.P., WAN, VENTURA and QUIRK, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court