

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

Matter of Pascal W. v. Carlos M.-J.

2026 NY Slip Op 02384 (1st Dep't 2026) · No. Docket No. O-05047/22; Appeal No. 6413; Case No. 2025-02470 · Decided April 21, 2026

SUMMARY

The Appellate Division, First Department unanimously affirmed a Family Court order finding that Carlos M.-J. committed a family offense constituting second-degree harassment, suspending judgment for six months, and issuing a six-month order of protection. The court held that the appeal was not moot despite the order's expiration and concluded that the finding was supported by a fair preponderance of the evidence.

OPINION

PER CURIAM.

Matter of Pascal W. v Carlos M.-J. - 2026 NY Slip Op 02384 skip to main content
It appears you are using Adblock. Please disable Adblock to best experience our website.
header
img src="/reporter/images/nys-logo-white.svg" alt=""
span title="Law Reporting Bureau Home Page">Law Reporting
BureauThomas J.K.

Smith, State Reporter nav Court Decisions Resources About nav
img src="/reporter/images/lrb-seal.png" alt=""
header
nav

- Home
- All Court Decisions
- Decisions

nav

Matter of Pascal W. v Carlos M.-J.

2026 NY Slip Op 02384
April 21, 2026
Appellate Division, First Department
Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431.
This decision is uncorrected and subject to revision before publication in the Official Reports.
In the Matter of Pascal W., Respondent,
v
Carlos M.-J., Appellant.
Decided and Entered: April 21, 2026
Docket No. O-05047/22|Appeal No. 6413|Case No. 2025-02470|
Before: Renwick, P.J., Friedman, Gesmer, Pitt-Burke, Hagler, JJ.
Law Office of Lewis S. Calderon, Jamaica (Lewis Calderon of counsel), for appellant.
[*1]
Order, Family Court, New York County (Jacob K. Maeroff, Ref.), entered on or about April 8, 2025, which, after a fact-finding hearing, determined that respondent committed a family offense act that would constitute harassment in the second degree, suspended judgment for six months, and issued an order of protection to be in effect during the six-month

period, unanimously affirmed, without costs.

The expiration of the order of protection by its own terms did not render this appeal moot, as the order finding that respondent committed a family offense can "prompt severely deleterious future legal rulings against" him (*Matter of Veronica P. v Radcliff A.*, 24 NY3d 668, 671-672 [2015]).

Nevertheless, a fair preponderance of the evidence supports the finding that respondent committed a family offense by performing an act that constitutes second-degree harassment by intentionally bumping into petitioner for no legitimate purpose (Family Court Act § 812; Penal Law § 240.26[1]; *see Matter of Edward B. v Elizabeth T.*, 156 AD3d 423, 424 [1st Dept 2017]).

Petitioner's witness testified that as the parties passed each other on the sidewalk, respondent moved towards petitioner, bumped into him, and "kind of shove[d] him... to the left." The court's credibility determination that respondent was less credible than petitioner and the witness is entitled to great deference and there is no basis to disturb it (*see Matter of R.H. v M.C.H.*, 239 AD3d 577, 578 [1st Dept 2025]).

Family Court providently exercised its discretion in issuing a six-month order of protection upon finding that respondent committed a family offense (Family Court Act § 842[a]; *see Matter of Miriam M. v Warren M.*, 51 AD3d 581, 582 [1st Dept 2008]).

We have considered respondent's remaining contentions and find them unavailing.

THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: April 21, 2026

Court Decisions

All Court Decisions Official Reports Service Bound Volumes Decision Search

Resources

RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index

About

About the Law Reporting Bureau About our Operations Contact Us Twitter

Quick Contact Info

17 Lodge Street

Albany, NY 12207

Phone: (518) 453-6900

Links to or from other sites do not signify endorsement or relationship with them.