

**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

OPINION

PER CURIAM.

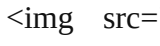
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April 21, 2026

Appellate Division, First Department

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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

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