

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

Matter of Saini v. Singh

132 A.D.3d 686 (N.Y. App. Div. 2015) · No. 2014-10977 · Decided October 7, 2015

SUMMARY

The Appellate Division, Second Department, affirmed a Family Court order of protection issued against Harvinder Singh. The court held that the family offenses of attempted assault in the third degree, harassment in the second degree, and menacing in the third degree were established by a fair preponderance of the credible evidence, and that the appellant received meaningful representation of counsel.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Mark C. Dillon, J.P.; Cheryl E. Chambers, J.; L. Priscilla Hall, J.; Sylvia O. Hinds-Radix, J.
JURISDICTION	New York
DECIDED	October 7, 2015
DOCKET	2014-10977
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of protection issued by the Family Court, Queens County, after a hearing.
STANDARD OF REVIEW	Whether the family offenses were established by a fair preponderance of the credible evidence; whether the appellant was afforded meaningful representation of counsel.
PRECEDENTIAL VALUE	published appellate decision
PARTIES	Harvinder Singh v. Jaswinder Kaur Saini

TOPICS

- domestic violence
- family law procedure
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the evidence established Singh's commission of the charged family offenses by a fair preponderance of the credible evidence.
2. Whether Singh was afforded meaningful representation of counsel.
3. Whether the Family Court properly issued the order of protection.

HOLDINGS

1. Singh's commission of attempted assault in the third degree, harassment in the second degree, and menacing in the third degree was established by a fair preponderance of the credible evidence.
2. The record showed that Singh was afforded meaningful representation of counsel.
3. The Family Court properly issued the order of protection, and the order was affirmed.

FACTUAL BACKGROUND

After a hearing, the Family Court found that Harvinder Singh committed the family offenses of attempted assault in the third degree, harassment in the second degree, and menacing in the third degree against Jaswinder Kaur Saini. Based on those findings, the court issued an order of protection requiring Singh to stay away from Saini until and including October 16, 2016. The Appellate Division determined that the findings were supported by a fair preponderance of the credible evidence and that Singh received meaningful representation.

PROCEDURAL HISTORY

The Family Court, Queens County, issued an order of protection directing Harvinder Singh to stay away from Jaswinder Kaur Saini through October 16, 2016, based on findings that he committed attempted assault in the third degree, harassment in the second degree, and menacing in the third degree. Singh appealed, challenging the findings and the adequacy of his counsel's representation. The Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- Matter of Monos v. Monos, 123 A.D.3d 931
- Matter of Alfred C., 237 A.D.2d 517, 517
- Matter of Melissa K. v. Brian K., 72 A.D.3d 1129, 1133