

State of New York  
Supreme Court, Appellate Division  
Third Judicial Department

Decided and Entered: November 20, 2008

502549

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In the Matter of KASHAYLA L.,  
Alleged to be a Juvenile  
Delinquent.

DANIEL TUCZINSKI, as Columbia  
County Attorney,  
Respondent;

MEMORANDUM AND ORDER

KASHAYLA L.,  
Appellant.

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Calendar Date: October 14, 2008

Before: Mercure, J.P., Peters, Lahtinen, Malone Jr. and  
Kavanagh, JJ.

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Charles J. Keegan, Law Guardian, Albany, for appellant.

Daniel Tuczinski, County Attorney, Hudson (Clarissa D.  
Garvey of counsel), for respondent.

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Appeal from an order of the Family Court of Columbia County  
(Czajka, J.), entered February 6, 2007, which granted  
petitioner's application, in a proceeding pursuant to Family Ct  
Act article 3, to adjudicate respondent a juvenile delinquent.

Petitioner commenced this proceeding alleging that  
respondent committed acts which, if committed by an adult, would  
have constituted the crimes of assault in the third degree and  
resisting arrest. The charges stem from an incident in which  
respondent and two others physically attacked another young  
woman, and then subsequently attempted to thwart a police  
officer's attempts to arrest respondent. After admitting that

she perpetrated the acts alleged, respondent was adjudicated a juvenile delinquent. Following a dispositional hearing, Family Court ordered that respondent be placed in the custody of the Columbia County Department of Social Services (hereinafter DSS) for a period of one year.

Upon this appeal, respondent's sole argument is that her placement in DSS custody was not the least restrictive alternative available. Inasmuch as the dispositional order placing respondent in DSS custody for one year has expired by its own terms, however, this appeal is now moot (Matter of Andrew MM., 24 AD3d 1116, 1116 [2005]; Matter of Evan P., 1 AD3d 831, 832 [2003]; cf. Matter of Terrance D., 44 AD3d 656, 656 [2007]).

Mercure, J.P., Peters, Lahtinen, Malone Jr. and Kavanagh, JJ., concur.

ORDERED that the appeal is dismissed, as moot, without costs.

ENTER:

A handwritten signature in black ink, appearing to read "Michael J. Novack". The signature is fluid and cursive, with a large loop at the end.

Michael J. Novack  
Clerk of the Court