

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

People v. Benjamin

2026 N.Y. Slip Op. 01014 (N.Y. Ct. App. 2026) · No. Ind. Nos. 2350/17, 2561/17; Appeal No. 5925; Case No. 2019-03548 · Decided February 24, 2026

SUMMARY

The Appellate Division, First Department modified the judgment to vacate the surcharge and fees imposed at sentencing with respect to one indictment. The court otherwise affirmed the defendant's convictions and aggregate five-year sentence, exercising its interest-of-justice authority with the People's consent.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, First Department
WRITING FOR THE COURT	Renwick, P.J.; Kennedy, J.; Rodriguez, J.; Pitt-Burke, J.; O'Neill Levy, J.
JURISDICTION	New York Appellate Division, First Department
DECIDED	February 24, 2026
DOCKET	Ind. Nos. 2350/17, 2561/17; Appeal No. 5925; Case No. 2019-03548
DISPOSITION	other
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Supreme Court, New York County, entered after his guilty plea and sentencing.
STANDARD OF REVIEW	Interest-of-justice discretionary review
PRECEDENTIAL VALUE	Published
PARTIES	Clinton Benjamin v. The People of the State of New York

TOPICS

- criminal procedure
- appellate procedure
- sentencing
- remedies

PRACTICE AREAS

- criminal procedure
- appellate procedure
- sentencing
- remedies

QUESTIONS PRESENTED

1. Whether the Appellate Division should exercise its interest-of-justice powers to vacate the surcharge and fees imposed with respect to indictment No. 2561/17.

HOLDINGS

1. The Appellate Division exercised its interest-of-justice powers to vacate the surcharge and fees imposed at sentencing with respect to indictment No. 2561/17.

FACTUAL BACKGROUND

Benjamin pleaded guilty to attempted murder in the second degree under indictment No. 2561/17 and bail jumping in the second degree under indictment No. 2350/17. The Supreme Court sentenced him to an aggregate term of five years and imposed a surcharge and fees associated with indictment No. 2561/17.

PROCEDURAL HISTORY

The Supreme Court, New York County, convicted Clinton Benjamin upon his guilty plea of attempted murder in the second degree under indictment No. 2561/17 and bail jumping in the second degree under indictment No. 2350/17. The court imposed an aggregate five-year sentence. On appeal, the Appellate Division modified the judgment in the interest of justice by vacating the surcharge and fees imposed with respect to indictment No. 2561/17, and otherwise affirmed.

DISPOSITION

other

CASES CITED

- People v. Chirinos, 190 A.D.3d 434, 435 (1st Dep't 2021)

OPINION

People v. Benjamin 2026 NY Slip Op 01014

PER CURIAM.

People v Benjamin (2026 NY Slip Op 01014) People v Benjamin 2026 NY Slip Op 01014
Decided on February 24, 2026 Appellate Division, First 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 and Entered: February 24, 2026
Before: Renwick, P.J., Kennedy, Rodriguez, Pitt-Burke, O'Neill Levy, JJ. Ind. No. 2350/17,
2561/17|Appeal No. 5925|Case No. 2019-03548| [*1]The People of the State of New York,
Respondent, v Clinton Benjamin, Defendant-Appellant. The Legal Aid Society, New York (Harold
V. Ferguson, Jr. of counsel), for appellant. Judgment, Supreme Court, New York County (Steven
M. Statsinger, J.), rendered April 17, 2019, convicting defendant, upon his plea of guilty, of
attempted murder in the second degree under indictment No. 2561/17, and bail jumping in the

second degree under indictment No. 2350/17, and sentencing him to an aggregate term of five years, unanimously modified, as a matter of discretion in the interest of justice, to the extent of vacating the surcharge and fees imposed at sentencing with respect to indictment No. 2561/17 only, and otherwise affirmed. Based on our own interest of justice powers, we vacate the surcharge and fees imposed on defendant at sentencing with respect to indictment No. 2561/17 (see *People v Chirinos* , 190 AD3d 434 , 435 [1st Dept 2021]). We note that the People consent to this relief. THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: February 24, 2026