

**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.

OPINION

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

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