

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

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_____AD3d_____

Argued - November 30, 2007

WILLIAM F. MASTRO, J.P.
JOSEPH COVELLO
DANIEL D. ANGIOLILLO
RUTH C. BALKIN, JJ.

2005-09799

DECISION & ORDER

The People, etc., respondent,
v Rigoberto Benitez, appellant.

(Ind. No. 2438/04)

Lynn W. L. Fahey, New York, N.Y. (Anna Pervukhin of counsel), for appellant.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Sharon Y. Brodt, and John F. McGoldrick of counsel), for respondent.

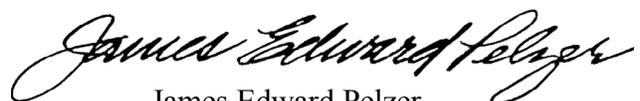
Appeal by the defendant from a judgment of the Supreme Court, Queens County (Buchter, J.), rendered September 6, 2005, convicting him of assault in the second degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant was not deprived of the effective assistance of counsel (*see People v Benevento*, 91 NY2d 708, 712; *People v Hobot*, 84 NY2d 1021, 1022; *People v Baldi*, 54 NY2d 137, 147; *cf. People v Echavarria*, 167 AD2d 138; *People v Huggins*, 164 AD2d 784).

MASTRO, J.P., COVELLO, ANGIOLILLO and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

January 22, 2008

PEOPLE v BENITEZ, RIGOBERTO