

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

D18967  
O/kmg

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - March 27, 2008

A. GAIL PRUDENTI, P.J.  
STEVEN W. FISHER  
HOWARD MILLER  
RUTH C. BALKIN, JJ.

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2006-09958

DECISION & ORDER

The People, etc., respondent,  
v Fitzroy Bennett, appellant.

(Ind. No. 5119/05)

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Lynn W. L. Fahey, New York, N.Y. (Benjamin D. Gold of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Linda Breen of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Dowling, J.), rendered October 17, 2006, convicting him of burglary in the first degree and assault in the second degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, the Supreme Court did not improvidently exercise its discretion in limiting the defense counsel's cross-examination of the complainant as to prior bad acts because counsel failed to establish a good-faith basis for this inquiry (*see People v Olibencia*, 45 AD3d 607; *People v Dellarocco*, 115 AD2d 904, 905; *cf. People v Jones*, 193 AD2d 696, 697).

The defendant's remaining contention is without merit.

PRUDENTI, P.J., FISHER, MILLER and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

April 22, 2008

PEOPLE v BENNETT, FITZROY