

# State of New York Court of Appeals

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## MEMORANDUM

This memorandum is uncorrected and subject to revision before publication in the New York Reports.

No. 58 SSM 3  
The People &c.,  
Respondent,  
v.  
Peter Carman,  
Appellant.

Submitted by Richard L. Herzfeld, for appellant.  
Submitted by Edward A. Bannan, for respondent.

### MEMORANDUM:

The order of the Appellate Division should be affirmed, without costs, and the certified question not answered as unnecessary.

Assuming, without deciding, that defendant was entitled to the effective assistance of counsel in this proceeding pursuant to article 6-C of the Correction Law, defendant failed to demonstrate that he was deprived of meaningful representation (*see People v Benevento*,

91 NY2d 708, 712 [1998]). Defendant's remaining contentions have been considered and are without merit.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, without costs, and certified question not answered as unnecessary. Chief Judge DiFiore and Judges Garcia, Singas, Cannataro and Troutman concur. Judges Rivera and Wilson dissent for reasons stated in the dissenting opinion by Justice Betsy Barros at the Appellate Division (*People v Carman*, 194 AD3d 760, 763-767 [2021, Barros, J., dissenting]).

Decided April 21, 2022