

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

People v. Rajib

2026 NY Slip Op 00026 (N.Y. Ct. App. 2026) · No. Ind. No. 72939/22; Appeal No. 5505; Case No. 2023-04595
· Decided January 6, 2026

SUMMARY

The Appellate Division, First Department unanimously affirmed the defendant's convictions for five counts of predatory sexual assault against a child and three counts of first-degree sexual abuse, along with his aggregate sentence of 25 years to life. The court held that the ineffective assistance claims were not reviewable on direct appeal, that challenges to the annotated verdict sheet and jury charge were waived or unpreserved, and that the indictment's amended timeframes were properly allowed and nonprejudicial.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Renwick, P.J.; Manzanet-Daniels, J.; Gesmer, J.; Higgitt, J.; Michael, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, First Department
DECIDED	January 6, 2026
DOCKET	Ind. No. 72939/22; Appeal No. 5505; Case No. 2023-04595
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Supreme Court, New York County, entered after a jury trial, convicting him of five counts of predatory sexual assault against a child and three counts of sexual abuse in the first degree and sentencing him to an aggregate term of 25 years to life.
STANDARD OF REVIEW	The court applied New York and federal ineffective-assistance standards, requiring defendant to show that counsel's performance fell below an objective standard of reasonableness and that the alleged deficiencies deprived him of a fair trial or affected the outcome. Unpreserved claims concerning the verdict sheet and charge were not reached in the interest of justice.

PRECEDENTIAL VALUE	Published opinion; precedential value under New York law.
PARTIES	Rejaul Hasan Rajib v. The People of the State of New York

TOPICS

ineffective assistance appellate procedure criminal procedure preservation of error standard of review

PRACTICE AREAS

criminal procedure criminal appeals ineffective assistance of counsel indictment amendment
jury trial procedure

QUESTIONS PRESENTED

1. Whether defendant's ineffective-assistance claims could be reviewed on direct appeal when they involved matters outside or not fully explained by the trial record and no CPL 440.10 motion had been made.
2. Whether, to the extent the record permitted review, defendant established ineffective assistance under New York and federal standards.
3. Whether defendant's challenges to the annotated verdict sheet and jury charge were waived or unpreserved.
4. Whether the annotated verdict sheet complied with CPL 310.20(2).
5. Whether the trial court properly amended the indictment to modify or expand the timeframes of certain charged crimes without changing the prosecution's theory or prejudicing defendant on the merits.

HOLDINGS

1. Ineffective-assistance claims involving matters not reflected in or fully explained by the record are unreviewable on direct appeal absent a CPL 440.10 motion.
2. To the extent the existing record permitted review, defendant received effective assistance because he failed to show objectively unreasonable performance or prejudice affecting the fairness or outcome of the trial.
3. Because defense counsel consented to the annotated verdict sheet and did not object to the charge, defendant's current challenges were waived or unpreserved, and the court declined to reach them in the interest of justice.
4. The verdict sheet complied with CPL 310.20(2).
5. The trial court properly granted the People's motion to amend the indictment to modify or expand the timeframes of certain charged crimes because the amendment was based on the trial evidence, did not change the prosecution's theory presented to the grand jury, and did not prejudice defendant on the merits.

KEY QUOTATIONS

“Defendant’s ineffective assistance claims are unreviewable on direct appeal because they involve matters not reflected in, or fully explained by the record, regarding counsel’s strategy and preparation.” ([*1])

“The amendment of the timeframes did not change the prosecution’s theory as reflected in the evidence before the grand jury. It also did not prejudice defendant on the merits.” ([*1])

FACTUAL BACKGROUND

After a jury trial, Rejaul Hasan Rajib was convicted of five counts of predatory sexual assault against a child and three counts of sexual abuse in the first degree. The trial court sentenced him to an aggregate term of 25 years to life. During the proceedings, defense counsel consented to an annotated verdict sheet and did not object to the charge, and the prosecution obtained an amendment modifying or expanding the timeframes of certain charged crimes based on the trial evidence.

PROCEDURAL HISTORY

The Supreme Court, New York County, rendered judgment on August 9, 2023. On direct appeal, defendant challenged counsel’s effectiveness, the annotated verdict sheet and jury charge, and amendment of the indictment’s crime-period timeframes. The Appellate Division unanimously affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Ceballos, 189 A.D.3d 414, 415 (1st Dep’t 2020), leave denied, 37 N.Y.3d 971 (2021)
- People v. Benevento, 91 N.Y.2d 708, 713-714 (1998)
- Strickland v. Washington, 466 U.S. 668 (1984)
- People v. Santos, 41 A.D.3d 324, 325 (1st Dep’t 2007), leave denied, 9 N.Y.3d 926 (2007)
- People v. Belvett, 105 A.D.3d 538, 538 (1st Dep’t 2013), leave denied, 21 N.Y.3d 1040 (2013)
- People v. Lewis, 23 N.Y.3d 179, 186-187 (2014)
- People v. Pan, 237 A.D.3d 482, 482 (1st Dep’t 2025), leave denied, 43 N.Y.3d 1047 (2025)
- People v. Sinha, 84 A.D.3d 35, 44-45 (1st Dep’t 2011), aff’d, 19 N.Y.3d 932 (2012)
- People v. Mayette, 233 A.D.3d 1097, 1102 (3d Dep’t 2024), leave denied, 43 N.Y.3d 945 (2025)

OPINION

PER CURIAM.

People v Rajib (2026 NY Slip Op 00026) People v Rajib 2026 NY Slip Op 00026 Decided on January 06, 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: January 06, 2026 Before:

Renwick, P.J., Manzanet-Daniels, Gesmer, Higgitt, Michael, JJ. Ind. No. 72939/22|Appeal No. 5505|Case No. 2023-04595| [*1]The People of the State of New York, Respondent, v Rejaul Hasan Rajib, Appellant.

Criminal Appeals Advocates P.C., New York (Lauren E. Allu of counsel), for appellant. Alvin L. Bragg, Jr., District Attorney, New York (Sheila O'Shea of counsel), for respondent. Judgment, Supreme Court, New York County (Robert M. Mandelbaum, J.), rendered August 9, 2023, convicting defendant, after a jury trial, of five counts of predatory sexual assault against a child and three counts of sexual abuse in the first degree, and sentencing him to an aggregate term of 25 years to life, unanimously affirmed.

Defendant's ineffective assistance claims are unreviewable on direct appeal because they involve matters not reflected in, or fully explained by the record, regarding counsel's strategy and preparation (see *People v Ceballos*, 189 AD3d 414, 415 [1st Dept 2020], lv denied 37 NY3d 971 [2021]).

In the absence of a CPL 440.10 motion, the merits of defendant's ineffectiveness claims may not be addressed on direct appeal. In the alternative, to the extent the existing record permits review, we find that defendant received effective assistance under the state and federal standards (see *People v Benevento*, 91 NY2d 708, 713-714 [1998]; *Strickland v Washington*, 466 US 668 [1984]).

Defendant did not show that any of counsel's alleged deficiencies fell below an objective standard of reasonableness, or that, viewed individually or collectively, they deprived defendant of a fair trial or affected the outcome of the case. Since defense counsel consented to the annotated verdict sheet and had no objections to the charge, defendant's current arguments concerning these matters are waived or unpreserved, and we decline to reach them in the interest of justice (*People v Santos*, 41 AD3d 324, 325 [1st Dept 2007], lv denied 9 NY3d 926 [2007]; see also *People v Belvett*, 105 AD3d 538, 538 [1st Dept 2013], lv denied 21 NY3d 1040 [2013]).

As an alternative holding, we find that the verdict sheet comported with CPL 310.20(2) (see *People v Lewis*, 23 NY3d 179, 186-187 [2014]). The court properly granted the People's motion to amend the indictment to modify or expand the timeframes of certain of the charged crimes based on the trial evidence (see *People v Pan*, 237 AD3d 482, 482 [1st Dept 2025], lv denied 43 NY3d 1047 [2025]; *People v Sinha*, 84 AD3d 35, 44-45 [1st Dept 2011], affd 19 NY3d 932 [2012]).

The amendment of the timeframes did not change the prosecution's theory as reflected in the evidence before the grand jury. It also did not prejudice defendant on the merits (see *People v Mayette*, 233 AD3d 1097, 1102 [3d Dept 2024], lv denied 43 NY3d 945 [2025]). THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: January 6, 2026

PER CURIAM.

People v Rajib (2026 NY Slip Op 00026) People v Rajib 2026 NY Slip Op 00026 Decided on January 06, 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: January 06, 2026 Before: Renwick, P.J., Manzanet-Daniels, Gesmer, Higgitt, Michael, JJ. Ind. No. 72939/22|Appeal No. 5505|Case No. 2023-04595| [*1]The People of the State of New York, Respondent, v Rejaul Hasan Rajib, Appellant.

Criminal Appeals Advocates P.C., New York (Lauren E. Allu of counsel), for appellant. Alvin L. Bragg, Jr., District Attorney, New York (Sheila O'Shea of counsel), for respondent. Judgment, Supreme Court, New York County (Robert M. Mandelbaum, J.), rendered August 9, 2023, convicting defendant, after a jury trial, of five counts of predatory sexual assault against a child and three counts of sexual abuse in the first degree, and sentencing him to an aggregate term of 25 years to life, unanimously affirmed.

Defendant's ineffective assistance claims are unreviewable on direct appeal because they involve matters not reflected in, or fully explained by the record, regarding counsel's strategy and preparation (see People v Ceballos, 189 AD3d 414, 415 [1st Dept 2020], lv denied 37 NY3d 971 [2021]).

In the absence of a CPL 440.10 motion, the merits of defendant's ineffectiveness claims may not be addressed on direct appeal. In the alternative, to the extent the existing record permits review, we find that defendant received effective assistance under the state and federal standards (see People v Benevento, 91 NY2d 708, 713-714 [1998]; Strickland v Washington, 466 US 668 [1984]).

Defendant did not show that any of counsel's alleged deficiencies fell below an objective standard of reasonableness, or that, viewed individually or collectively, they deprived defendant of a fair trial or affected the outcome of the case. Since defense counsel consented to the annotated verdict sheet and had no objections to the charge, defendant's current arguments concerning these matters are waived or unpreserved, and we decline to reach them in the interest of justice (People v Santos, 41 AD3d 324, 325 [1st Dept 2007], lv denied 9 NY3d 926 [2007]; see also People v Belvett, 105 AD3d 538, 538 [1st Dept 2013], lv denied 21 NY3d 1040 [2013]).

As an alternative holding, we find that the verdict sheet comported with CPL 310.20(2) (see People v Lewis, 23 NY3d 179, 186-187 [2014]). The court properly granted the People's motion to amend the indictment to modify or expand the timeframes of certain of the charged crimes based

on the trial evidence (see *People v Pan*, 237 AD3d 482, 482 [1st Dept 2025], lv denied 43 NY3d 1047 [2025]; *People v Sinha*, 84 AD3d 35, 44-45 [1st Dept 2011], affd 19 NY3d 932 [2012]).

The amendment of the timeframes did not change the prosecution's theory as reflected in the evidence before the grand jury. It also did not prejudice defendant on the merits (see *People v Mayette*, 233 AD3d 1097, 1102 [3d Dept 2024], lv denied 43 NY3d 945 [2025]). THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: January 6, 2026