

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)