

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT

People v. Sanabria

Sanabria, 2026 NY Slip Op 03006 (Supreme Court of the State of New York Appellate Division Second Judicial Department 2026) · No. 2022-01831, 2024-05504 · Decided May 13, 2026

SUMMARY

The Appellate Division, Second Department, affirmed a judgment convicting Jose A. Sanabria of rape in the first and third degrees and an order denying his CPL 440.10 motion to vacate the judgment. The court held that the legal-sufficiency challenge was unpreserved and, alternatively, that the evidence was legally sufficient and the verdict was not against the weight of the evidence; it also rejected his ineffective-assistance claims without a hearing.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Cheryl E. Chambers, J.P.; Deborah A. Dowling, J.; Lillian Wan, J.; Lourdes M. Ventura, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	May 13, 2026
DOCKET	2022-01831, 2024-05504
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment convicting him, after a jury trial, of rape in the first degree and rape in the third degree, and separately appealed by permission from an order denying without a hearing his CPL 440.10 motion to vacate the judgment based on ineffective assistance of counsel.
STANDARD OF REVIEW	Legal sufficiency is reviewed by viewing the evidence in the light most favorable to the prosecution, subject to preservation requirements. The Appellate Division independently reviews the weight of the evidence while according great deference to the jury's opportunity to observe witnesses. A CPL 440.10 ineffective-assistance claim may be denied without a hearing where allegations are unsupported by sworn facts or contradicted by the record;

	effectiveness is evaluated under federal and state constitutional standards.
PRECEDENTIAL VALUE	Published
PARTIES	Jose A. Sanabria v. The People of the State of New York

TOPICS

ineffective assistance post-conviction relief preservation of error evidence appellate procedure

PRACTICE AREAS

criminal law criminal procedure appellate practice post-conviction relief

QUESTIONS PRESENTED

1. Whether defendant's challenge to the legal sufficiency of the evidence was preserved for appellate review.
2. Whether the evidence was legally sufficient to establish defendant's guilt beyond a reasonable doubt.
3. Whether the verdict was against the weight of the evidence.
4. Whether the Supreme Court properly denied defendant's CPL 440.10 motion without a hearing based on alleged ineffective assistance for failing to call an intoxication expert and an alternative DNA expert.

HOLDINGS

1. A legal-sufficiency challenge is unpreserved where defense counsel makes only a general motion for a trial order of dismissal that does not specify any particular error.
2. Even assuming the issue were reviewable, the evidence was legally sufficient to establish defendant's guilt beyond a reasonable doubt.
3. The verdict was not against the weight of the evidence.
4. The Supreme Court properly denied defendant's CPL 440.10 motion without a hearing, and the record demonstrated that defendant received effective assistance of counsel under federal and state standards.

KEY QUOTATIONS

“all self-serving, not substantiated by sworn facts, and/or contradicted by the record” ([*2])

FACTUAL BACKGROUND

A jury convicted Jose A. Sanabria of rape in the first degree and rape in the third degree. On appeal, he challenged the legal sufficiency and weight of the evidence. He also argued in a CPL 440.10 motion that trial counsel was ineffective for failing to call an intoxication expert and an alternative DNA expert.

PROCEDURAL HISTORY

The Supreme Court, Nassau County, rendered the judgment of conviction on February 3, 2022. That court entered an order on June 7, 2024, denying defendant's CPL 440.10 motion without a hearing. The Appellate Division affirmed both the judgment and the order.

DISPOSITION

affirmed

CASES CITED

- People v. Hawkins, 11 NY3d 484, 492
- People v. Wilson, 211 AD3d 973, 973
- People v. Contes, 60 NY2d 620, 621
- People v. Danielson, 9 NY3d 342, 348
- People v. Mateo, 2 NY3d 383, 410
- People v. Bleakley, 69 NY2d 490, 495
- People v. Romero, 7 NY3d 633
- People v. Ozuna, 7 NY3d 913, 915
- Strickland v. Washington, 466 US 668, 694
- People v. Benevento, 91 NY2d 708, 712
- People v. Baldi, 54 NY2d 137, 147

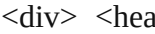
OPINION

People v. Sanabria 2026 NY Slip Op 03006

PER CURIAM.

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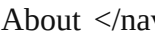


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Appellate Division, Second Department

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The People of the State of New York, respondent,

v.

Jose A. Sanabria, appellant.

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

Decided on May 13, 2026

2022-01831, 2024-05504, (Ind. No. 255/19)

Cheryl E. Chambers, J.P.

Deborah A. Dowling

Lillian Wan

Lourdes

M. Ventura, JJ.

Criminal Appeals Advocates, P.C., New York, NY (Aaron Spolin and Caitlin Dukes of counsel), for appellant.

Anne T. Donnelly, District Attorney, Mineola, NY (Jason R. Richards, Autumn S. Hughes, and Monica M.C. Leiter of counsel), for respondent.

[*1]

DECISION & ORDER

Appeals by the defendant (1) from a judgment of the Supreme Court, Nassau County (Robert Bogle, J.), rendered February 3, 2022, convicting him of rape in the first degree and rape in the third degree, upon a jury verdict, and imposing sentence, and (2), by permission, from an order of the same court entered June 7, 2024, which, without a hearing, denied the defendant's motion pursuant to CPL 440.10 to vacate the judgment rendered February 3, 2022.

ORDERED that the judgment and the order are affirmed.

The defendant's challenge to the legal sufficiency of the evidence is unpreserved for appellate review, as defense counsel made only a general motion for a trial order of dismissal, which failed to specify any particular error (*see* CPL 470.05[2]; *People v Hawkins*, 11 NY3d 484, 492; *People v Wilson*, 211 AD3d 973, 973). In any event, viewing the evidence in light most favorable to the prosecution (*see* *People v Contes*, 60 NY2d 620, 621), we find that it was legally sufficient to establish the defendant's guilt beyond a reasonable doubt. Moreover, in fulfilling our responsibility to conduct an independent review of the weight of the evidence (*see* CPL 470.15[5]; *People v Danielson*, 9 NY3d 342, 348), we nevertheless accord great deference to the jury's opportunity to view the witnesses, hear the testimony, and observe demeanor (*see* *People v Mateo*, 2 NY3d 383, 410; *People v Bleakley*, 69 NY2d 490, 495). Upon reviewing the record here, we are satisfied that the verdict of guilt was not against the weight of the evidence (*see* *People v Romero*, 7 NY3d 633).

There is no merit to the defendant's contention that the Supreme Court erred in denying his motion pursuant to CPL 440.10 to vacate the judgment of conviction because he was deprived of the effective assistance of counsel in that defense counsel failed to call an intoxication expert and alternative DNA expert at trial. The court properly rejected those contentions without a hearing because they were "all self-serving, not substantiated by sworn facts, and/or contradicted by the record" (*see* *People v Ozuna*, 7 NY3d 913, 915). The record as a whole otherwise demonstrates that the defendant received the effective assistance of counsel under both the federal and state constitutional standards (*see* *Strickland v Washington*, 466 US 668, 694; *People v* [*2]

Benevento, 91 NY2d 708, 712; *People v Baldi*, 54 NY2d 137, 147).

CHAMBERS, J.P., DOWLING, WAN and VENTURA, JJ., concur.

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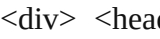
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PER CURIAM.

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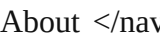
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CHAMBERS, J.P., DOWLING, WAN and VENTURA, JJ., concur.

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PER CURIAM.

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