

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

People v. Rich

2025 NY Slip Op 06918 (Supreme Court of the State of New York Appellate Division First Department 2025) ·
No. Ind. No. 4524/18; Appeal No. 5339; Case No. 2020-01855 · Decided December 11, 2025

SUMMARY

The New York Appellate Division, First Department affirmed Quaran Rich’s convictions for first-degree burglary and two counts of second-degree assault. The court modified the sentence in the interest of justice by reducing the burglary sentence to eight years concurrent with the assault sentences, resulting in an aggregate eight-year term, and vacated the surcharge and fees.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Manzanet-Daniels, J.P.; Gesmer, J.; González, J.; Shulman, J.; O'Neill Levy, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	December 11, 2025
DOCKET	Ind. No. 4524/18; Appeal No. 5339; Case No. 2020-01855
DISPOSITION	other
PROCEDURAL POSTURE	Defendant appealed from a Supreme Court, New York County judgment entered after a jury trial convicting him of burglary in the first degree and two counts of assault in the second degree and sentencing him as a second felony offender to an aggregate term of 17 years.
STANDARD OF REVIEW	Legal sufficiency was reviewed under the applicable sufficiency standard; the verdict was reviewed under the weight-of-the-evidence standard; unpreserved claims were reviewed for possible interest-of-justice relief; and the sentence and monetary assessments were modified in the court's discretion in the interest of justice.
PRECEDENTIAL VALUE	Published opinion of the Appellate Division, First Department
PARTIES	Quaran Rich v. The People of the State of New York

TOPICS

criminal procedure

appellate procedure

preservation of error

evidence

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PRACTICE AREAS

New York criminal law

criminal appellate practice

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QUESTIONS PRESENTED

1. Whether the burglary and assault convictions were supported by legally sufficient evidence and were not against the weight of the evidence.
2. Whether defendant preserved and had merit to his claims that the victim's jail cell was not a dwelling and that the prosecution failed to prove defendant remained unlawfully inside it.
3. Whether the burglary jury instruction improperly suggested that any illegal entry constituted burglary.
4. Whether defendant was entitled to severance because his codefendant presented an irreconcilable defense.
5. Whether the sentence and surcharge and fees should be reduced or vacated in the interest of justice.

HOLDINGS

1. The burglary and assault convictions were supported by legally sufficient evidence, and the verdict was not against the weight of the evidence.
2. Defendant's claims that the victim's jail cell was not a dwelling and that the prosecution failed to prove he remained unlawfully inside the cell were unpreserved because counsel did not move for a trial order of dismissal on those grounds; the court declined interest-of-justice review and, alternatively, rejected the claims on the merits.
3. The burglary instruction did not mislead the jury into believing that any illegal entry constituted burglary.
4. Defendant's severance claim was unpreserved because he failed to preserve it, and the court declined interest-of-justice review; alternatively, the claim failed on the merits because defendant did not establish irreconcilable defenses or a significant danger that the conflict alone would lead the jury to infer his guilt.
5. In the interest of justice, the burglary sentence was reduced to eight years, to run concurrently with the assault sentences, resulting in an aggregate sentence of eight years, and the surcharge and fees were vacated.

KEY QUOTATIONS

"The victim's jail cell qualified as a dwelling" (at 621)

"core" of his "defense" was "in irreconcilable conflict" with his codefendant's and that there was "a significant danger, as both defenses [were] portrayed to the trial court, that the conflict alone would lead the jury to infer defendant's guilt" (at 411)

FACTUAL BACKGROUND

Defendant and six other inmates entered another inmate's jail cell and punched and kicked the victim in the head, leaving a shoeprint on his forehead, while another inmate slashed the victim's face with a blade. The attackers were gang members who believed the victim belonged to a rival gang. The prosecution also presented evidence that inmates were prohibited from entering one another's cells under an MDC rulebook distributed to all inmates.

PROCEDURAL HISTORY

The Supreme Court, New York County, rendered judgment on February 5, 2020. On appeal, the First Department upheld the convictions, rejected defendant's unpreserved and alternative merits challenges concerning the burglary elements and severance, reduced the burglary sentence in the interest of justice to eight years concurrent with the assault sentences, and vacated the surcharge and fees.

DISPOSITION

other

CASES CITED

- People v. Denson, 26 NY3d 179, 188 (2015)
- People v. Danielson, 9 NY3d 342, 348 (2007)
- People v. Baque, 43 NY3d 26 (2024)
- People v. Hawkins, 11 NY3d 484, 492 (2008)
- People v. Brown, 237 AD3d 620, 621 (1st Dept 2025), lv denied 44 NY3d 992 (2025)
- People v. Gaines, 74 NY2d 358, 363 (1989)
- People v. Nieves, 282 AD2d 342 (1st Dept 2001)
- People v. Bowens, 216 AD3d 410, 411 (1st Dept 2023), lv denied 40 NY3d 933 (2023)
- People v. Mahboubian, 74 NY2d 174, 183 (1989)
- People v. Chirinos, 190 AD3d 434, 435 (1st Dept 2021)