

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

People v. Owens

2026 NY Slip Op 02514 (N.Y. Ct. App. 2026) · No. 138 KA 23-01170 · Decided April 24, 2026

SUMMARY

The Appellate Division, Fourth Department, reversed the resentence imposed on Phillip Owens following his conviction for criminal possession of a weapon in the second degree. The court remitted the matter to Supreme Court, Monroe County, for resentencing, relying on the memorandum in the related appeal.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
WRITING FOR THE COURT	Whalen, P.J.; Lindley, J.; Curran, J.; Smith, J.; DelConte, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
DECIDED	April 24, 2026
DOCKET	138 KA 23-01170
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed from a resentence imposed by Supreme Court, Monroe County, following his conviction of criminal possession of a weapon in the second degree.
PRECEDENTIAL VALUE	published
PARTIES	Phillip Owens v. The People of the State of New York

TOPICS

- sentencing
- criminal procedure
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- sentencing

QUESTIONS PRESENTED

1. Whether the resentence imposed by Supreme Court, Monroe County, should be upheld.

HOLDINGS

1. The resentence was reversed on the law, and the matter was remitted to Supreme Court, Monroe County, for resentencing.

KEY QUOTATIONS

“It is hereby ORDERED that the resentence so appealed from is unanimously reversed on the law and the matter is remitted to Supreme Court, Monroe County, for resentencing.” ([*1])

FACTUAL BACKGROUND

Phillip Owens was convicted of criminal possession of a weapon in the second degree. Supreme Court, Monroe County, later resentedenced him. Owens appealed from that resentence.

PROCEDURAL HISTORY

The Supreme Court, Monroe County, resentedenced defendant on June 14, 2023. Defendant appealed, and the Appellate Division unanimously reversed the resentence on the law and remitted the matter for resentencing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter is remitted to Supreme Court, Monroe County, for resentencing.

CASES CITED

- People v Owens (appeal No. 1) — AD3d — [Apr. 24, 2026] [4th Dept 2026]

OPINION

PER CURIAM.

People v Owens - 2026 NY Slip Op 02514 skip to main content

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People v

Owens

2026 NY Slip Op 02514

April 24, 2026

Appellate Division,
Fourth Department

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This decision is uncorrected and subject to revision before
publication in the Official Reports.

THE PEOPLE OF THE STATE OF
NEW YORK, RESPONDENT,

v

PHILLIP OWENS, DEFENDANT-
APPELLANT.

(APPEAL NO. 2.)

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

Decided on April 24, 2026

138 KA 23-01170

Present: Whalen, P.J., Lindley, Curran, Smith, And Delconte, JJ.

KAMAN
BERLOVE LLP, ROCHESTER (BRYANNE L. JONES OF COUNSEL), FOR DEFENDANT-
APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER
(MARTIN P. MCCARTHY, II, OF COUNSEL), FOR RESPONDENT.

Appeal from a resentence of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered
June 14, 2023.

Defendant was resentedenced upon his conviction of criminal possession of a weapon in the second
degree.

It is hereby ORDERED that the resentence so appealed from is
unanimously reversed on the law and the matter is remitted to Supreme Court, Monroe County, for
resentencing.

Same memorandum as in *People v Owens* ([appeal No. 1] — AD3d
— [Apr.

24, 2026] [4th Dept 2026]).

Entered: April 24, 2026

Ann Dillon Flynn

Clerk of the Court

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