

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

People v. Jones

2026 NY Slip Op 02524 (Supreme Court of the State of New York Appellate Division Fourth Judicial
Department 2026) · No. 156 KA 22-00780 · Decided April 24, 2026

SUMMARY

The New York Appellate Division, Fourth Department, affirmed Kimberly J. Jones's convictions for murder, kidnapping, robbery, and criminal possession of stolen property, concluding that the evidence was legally sufficient and that the verdict was not against the weight of the evidence. The court modified the judgment to require concurrent sentences for specified robbery counts and the felony-murder and first-degree robbery counts because the predicate offenses and underlying conduct could not be determined. The aggregate sentence of 40 years to life imprisonment remained unchanged.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
WRITING FOR THE COURT	Bannister, J.P.; Montour, J.; Greenwood, J.; Nowak, J.; Hannah, J.
JURISDICTION	New York Supreme Court, Appellate Division, Fourth Department
DECIDED	April 24, 2026
DOCKET	156 KA 22-00780
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of Supreme Court, Monroe County, entered after a jury trial convicting her of two counts of second-degree murder and counts of first-degree kidnapping, first-degree robbery, two counts of second-degree robbery, and fourth-degree criminal possession of stolen property.
STANDARD OF REVIEW	For legal sufficiency, the court viewed the evidence in the light most favorable to the People and asked whether any valid line of reasoning and permissible inferences could lead a rational person to the conclusion reached by the jury. For weight of the evidence, the court independently reviewed the evidence in light of the elements of the crimes as charged without objection. Sentencing legality was reviewed as a matter of law, including sua sponte review of an illegal sentence.

PRECEDENTIAL VALUE	Published
PARTIES	Kimberly J. Jones, also known as Kymberly Smith v. The People of the State of New York

TOPICS

criminal procedure evidence sentencing appellate procedure standard of review

PRACTICE AREAS

criminal law criminal procedure appellate sentencing

QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to establish defendant's guilt as a principal or accomplice for the murder, kidnapping, and robbery counts.
2. Whether the verdicts on the murder, kidnapping, and robbery counts were against the weight of the evidence.
3. Whether Supreme Court imposed illegal consecutive sentences on the second-degree robbery counts when the indictment did not identify which felony count served as the predicate for felony murder and the record did not establish whether the robbery convictions were based on the same acts or property.
4. Whether defendant's aggregate sentence of 40 years to life imprisonment was unduly harsh or severe.

HOLDINGS

1. The evidence was legally sufficient to support defendant's convictions for murder, kidnapping, and robbery as either a principal or an accomplice.
2. The verdicts on the murder, kidnapping, and robbery counts were not against the weight of the evidence.
3. The concurrent sentences on the second-degree robbery counts could not run consecutively to the felony-murder sentence because the indictment did not specify which available felony count served as the predicate for felony murder.
4. The second-degree robbery sentences were required to run concurrently with the first-degree robbery sentence because it was impossible to determine whether the convictions were based on the same act or property.
5. The Appellate Division may not allow an illegal sentence to stand and may correct the illegality even when the sentencing issue was not raised by either party.
6. The aggregate sentence of 40 years to life imprisonment was not unduly harsh or severe.

KEY QUOTATIONS

“'[E]ven in circumstantial evidence cases, the standard for appellate review of legal sufficiency issues is 'whether any valid line of reasoning and permissible inferences could lead a rational person to the conclusion

reached by the fact finder on the basis of the evidence at trial, viewed in the light most favorable to the People.'" (*1)

"Although the legality of the sentence has not been raised by either party, we cannot allow an illegal sentence to stand." (*2)

FACTUAL BACKGROUND

The victim disappeared and was found approximately one week later, naked, decomposing, and bound in a vacant Rochester garage. Surveillance, cell-site data, vehicle movements, pawn-shop evidence, and other proof connected defendant and her codefendant with the victim, the victim's vehicle, and property taken from him. Defendant had been seen entering the victim's vehicle, later traveled with the codefendant toward Pennsylvania, and subsequently appeared with the codefendant at a Florida pawn shop where the victim's gold chain and pendant were sold. Investigators also found physical evidence at the scene, and the forensic pathologist concluded that the victim died from homicidal violence.

PROCEDURAL HISTORY

Following a joint trial with a codefendant before separate juries, Supreme Court, Monroe County, convicted defendant and imposed an aggregate sentence of 40 years to life imprisonment. Defendant challenged the legal sufficiency and weight of the evidence, and the severity of her sentence. The Appellate Division rejected the evidentiary and sentencing-severity challenges but modified the judgment to require concurrent sentences on the second-degree robbery counts with the sentences on the felony-murder and first-degree robbery counts.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The judgment was modified to direct that the concurrent sentences imposed on counts 5 and 6 for second-degree robbery run concurrently with the concurrent sentences imposed on counts 1 and 4 for felony murder and first-degree robbery, respectively. As modified, the judgment was affirmed.

CASES CITED

- People v. Colon, 192 AD3d 1567, 1569-1570 [4th Dept 2021], lv denied 37 NY3d 955 [2021]
- People v. Kithcart, 85 AD3d 1558, 1559 [4th Dept 2011], lv denied 17 NY3d 818 [2011]
- People v. Gray, 86 NY2d 10, 19 [1995]
- People v. Hines, 97 NY2d 56, 62 [2001], rearg denied 97 NY2d 678 [2001]
- People v. Hancock, 229 AD3d 1229, 1230-1231 [4th Dept 2024], lv denied 42 NY3d 1020 [2024]
- People v. Contes, 60 NY2d 620, 621 [1983]
- People v. Noble, 86 NY2d 814, 815 [1995]
- People v. Danielson, 9 NY3d 342, 349 [2007]

- People v. Bailey, 159 AD2d 1009, 1009 [4th Dept 1990]
- People v. Isaac, 195 AD3d 1410, 1410 [4th Dept 2021], lv denied 37 NY3d 992 [2021]
- People v. Bleakley, 69 NY2d 490, 495 [1987]
- People v. Carter, 96 AD3d 1520, 1521 [4th Dept 2012], amended on rearg 100 AD3d 1472 [4th Dept 2012], affd 21 NY3d 739 [2013]
- People v. Crosby, 158 AD3d 1300, 1302 [4th Dept 2018], lv denied 31 NY3d 1115 [2018]
- People v. Carter, 1 AD3d 1028, 1029 [4th Dept 2003], lv denied 2 NY3d 738 [2004]
- People v. Collins, 106 AD3d 1544, 1545-1546 [4th Dept 2013], lv denied 21 NY3d 1072 [2013]
- People v. Baque, 43 NY3d 26, 30 [2024]
- People v. Sanchez, 61 NY2d 1022, 1024 [1984]
- People v. Davis, 68 AD3d 1653, 1655 [4th Dept 2009], lv denied 14 NY3d 839 [2010]
- People v. Wilkins, 175 AD3d 867, 869 [4th Dept 2019], affd 37 NY3d 371 [2021]
- People v. Glover, 117 AD3d 1477, 1478 [4th Dept 2014], lv denied 23 NY3d 1036 [2014], reconsideration denied 24 NY3d 961 [2014]
- People v. Parks, 95 NY2d 811, 814-815 [2000]
- People v. Plume, 145 AD3d 1469, 1472-1473 [4th Dept 2016]
- People v. Alford, 14 NY3d 846, 848 [2010]
- People v. Considine, 167 AD3d 1554, 1555 [4th Dept 2018]
- People v. Munford, 174 AD3d 412, 413 [1st Dept 2019], lv denied 34 NY3d 1018 [2019]
- People v. Thang Thanh Nguyen, 2 AD3d 1485, 1485 [4th Dept 2003]
- People v. Jeanty, 268 AD2d 675, 680 [3d Dept 2000], lv denied 94 NY2d 949 [2000]