

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

People v. Monahan

2026 N.Y. Slip Op. 03703 (N.Y. Ct. App. 2026) · No. CR-24-1422 · Decided June 11, 2026

SUMMARY

The New York Appellate Division, Third Department, affirmed Kevin Monahan's convictions for second-degree murder, first-degree reckless endangerment, and tampering with physical evidence. The court held that the evidence was legally sufficient and that the verdict was not against the weight of the evidence, rejecting challenges concerning mens rea, alleged accidental discharge, and destruction or concealment of evidence. The court also rejected claims involving discovery violations, an inadvertent reference to defense counsel in bodycam footage, and prosecutorial summation conduct.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Third Department
WRITING FOR THE COURT	Fisher, J.; Garry, P.J.; Clark, J.; Mackey, J.; Ryba, J.
JURISDICTION	New York Appellate Division, Third Department
DECIDED	June 11, 2026
DOCKET	CR-24-1422
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the County Court of Washington County rendered after a jury convicted him of second-degree murder, first-degree reckless endangerment, and tampering with physical evidence.
STANDARD OF REVIEW	The court reviewed legal sufficiency by viewing the facts in the light most favorable to the People and asking whether a valid line of reasoning and permissible inferences supported the elements beyond a reasonable doubt. It reviewed weight of the evidence by independently assessing whether a different verdict would have been unreasonable and then weighing conflicting testimony and inferences, while according great deference to the jury's credibility determinations. Claims of constitutional trial error were reviewed for harmless error beyond a reasonable doubt; prosecutorial misconduct was reviewed for whether the remarks were so egregious and pervasive as to deprive

	defendant of a fair trial; and sentencing was reviewed for whether the sentence was unduly harsh or severe.
PRECEDENTIAL VALUE	published
PARTIES	Kevin Monahan v. The People of the State of New York

TOPICS

criminal procedure evidence appellate procedure harmless error sentencing

PRACTICE AREAS

criminal law criminal procedure appellate practice evidence sentencing

QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to support convictions for second-degree depraved-indifference murder, first-degree reckless endangerment, and tampering with physical evidence.
2. Whether the convictions were against the weight of the evidence.
3. Whether the indictment's tampering count was duplicitous.
4. Whether delayed disclosure of a witness's recorded statements and a state trooper's training certificates required a sanction or reversal.
5. Whether the admission of a bodycam reference to defense counsel deprived defendant of a fair trial and required a mistrial.
6. Whether the prosecutor's summation remarks deprived defendant of a fair trial.
7. Whether County Court erred by refusing to charge criminally negligent homicide as a lesser included offense.
8. Whether defendant's sentences were unduly harsh or severe.

HOLDINGS

1. The evidence was legally sufficient to establish that defendant acted with depraved indifference to human life and recklessly created a grave risk of death by firing multiple shotgun blasts toward occupied vehicles that were leaving his property.
2. The convictions for second-degree murder and first-degree reckless endangerment were supported by the weight of the evidence, as was the conviction for tampering with physical evidence.
3. The evidence was legally and factually sufficient to support the tampering conviction because the jury could infer that defendant cleaned the shotgun and hid or disposed of spent ammunition and wadding to prevent their use in an official proceeding.
4. The duplicity challenge was waived because defendant did not move to dismiss the count on that ground before trial.

5. County Court acted within its discretion by permitting defendant to recall the witness after the People belatedly disclosed her recorded statements, and no relief was warranted concerning the trooper's training certificates because defendant did not challenge the determination that the trooper was not giving expert testimony.
6. Any error resulting from the jury's brief exposure to a bodycam reference to defense counsel was harmless beyond a reasonable doubt and did not require a mistrial or reversal.
7. The prosecutor's summation remarks, including the improper but promptly withdrawn statement concerning the wife's DNA, were not so egregious or pervasive as to deprive defendant of a fair trial.
8. Any error in refusing to charge criminally negligent homicide as a lesser included offense was harmless beyond a reasonable doubt and was foreclosed by the jury's guilty verdict on depraved-indifference murder and implicit rejection of the charged manslaughter lesser offense.
9. The aggregate sentence of 26 1/3 years to life was not unduly harsh or severe, and the court declined to reduce it in the interest of justice.

KEY QUOTATIONS

*"These facts support a valid line of reasoning and permissible inferences from which a rational jury could have concluded that defendant fired multiple shots toward the three vehicles — which, in many respects, is akin to shooting into a crowd, one of the "quintessential examples" of depraved indifference." (*6)*

*"Accordingly, under these circumstances, we conclude that any such error was harmless beyond a reasonable doubt." (*10)*

*"ORDERED that the judgment is affirmed." (*12)*

FACTUAL BACKGROUND

A group of young adults mistakenly drove three vehicles up Kevin Monahan's driveway while attempting to locate a party. Monahan exited his home with a shotgun and fired twice as the vehicles were leaving; the second shot struck a vehicle and fatally wounded a passenger. The evidence included eyewitness testimony that Monahan pointed the shotgun toward the vehicles, forensic evidence linking the fatal slug to his shotgun, evidence that the shotgun had been cleaned and that spent ammunition and wadding were missing, and evidence that Monahan initially falsely claimed he had been asleep.

PROCEDURAL HISTORY

Defendant was indicted and tried before a jury in Washington County Court. The jury found him guilty of all charged offenses. County Court imposed an aggregate sentence of 26 1/3 years to life, including consecutive imprisonment for tampering with physical evidence. The Appellate Division affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- People v. Williams, 239 AD3d 1090, 1091 (3d Dept 2025)
- People v. Smith, 237 AD3d 1367, 1369 (3d Dept 2025)
- People v. Marcantonio, 238 AD3d 1262, 1263 (3d Dept 2025)
- People v. Bender, 2026 NY Slip Op 01444
- People v. Suarez, 6 NY3d 202, 214 (2005)
- People v. Dorvil, 234 AD3d 1106, 1108, 1110-1112, 1117 (3d Dept 2025)
- People v. Perkins, 203 AD3d 1337, 1339 (3d Dept 2022)
- People v. Maeweather, 172 AD3d 1646, 1648-1649 (3d Dept 2019)
- People v. Cotto, 231 AD3d 1356, 1360 (3d Dept 2024)
- People v. Sanders, 185 AD3d 1280, 1286 (3d Dept 2020)
- People v. Sanchez, 32 NY3d 1021, 1022 (2018)
- People v. Prusinski, 242 AD3d 1427, 1431 (3d Dept 2025)
- People v. Timmons, 78 AD3d 1241, 1243 (3d Dept 2010)
- People v. Jackson, 65 NY2d 265, 272 n.7 (1985)
- People v. Franklin, 216 AD3d 1304, 1312 (3d Dept 2023)
- People v. Wright, 22 AD3d 873, 875 (3d Dept 2005)
- People v. White, 239 AD3d 1037, 1038 n. (3d Dept 2025)
- People v. Jordan, 232 AD3d 1135, 1136-1137 (3d Dept 2024)
- People v. Lentini, 163 AD3d 1052, 1054 (3d Dept 2018)
- People v. Serrano, 200 AD3d 1340, 1346-1347 (3d Dept 2021), affd 38 NY3d 1180 (2022)
- People v. Peguero-Sanchez, 29 NY3d 965, 967 (2017)
- People v. Johnson, 150 AD3d 1390, 1396 (3d Dept 2017)
- People v. Flower, 173 AD3d 1449, 1456 (3d Dept 2019)
- People v. Garcia, 203 AD3d 1228, 1230 (3d Dept 2022)
- People v. Hajratalli, 200 AD3d 1332, 1338 (3d Dept 2021)
- People v. Graham, 215 AD3d 998, 1007-1008 (3d Dept 2023)
- People v. Birch, 228 AD3d 991, 992-994 (3d Dept 2024)
- People v. Gertz, 204 AD3d 1166, 1171 (3d Dept 2022)
- People v. Mastowski, 155 AD3d 1624, 1625 (4th Dept 2017)
- People v. Johnson, 183 AD3d 77, 90 (3d Dept 2020)
- People v. Pitt, 170 AD3d 1282, 1285 (3d Dept 2019)
- People v. Scott, 203 AD2d 911, 912 (4th Dept 1994)
- People v. Mannix, 302 AD2d 297, 298 (1st Dept 2003)
- People v. McIntosh, 33 NY3d 1064, 1065 (2019)
- People v. Stahli, 159 AD3d 1055, 1060 (3d Dept 2018)
- People v. Guzy, 167 AD3d 1230, 1238 (3d Dept 2018)

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