

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

People v. Molyneaux

2026 NY Slip Op 00912 · No. 2024-05274 · Decided February 18, 2026

SUMMARY

The New York Appellate Division, Second Department, affirmed the denial of Jennifer Molyneaux's motion under CPL 440.47 to vacate her sentence and obtain resentencing under Penal Law § 60.12 and the Domestic Violence Survivors Justice Act. The court held that the hearing evidence did not establish by a preponderance of the evidence that she was subjected to substantial domestic violence abuse that contributed significantly to her criminal conduct.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Second Judicial Department
WRITING FOR THE COURT	Lara J. Genovesi, J.P.; William G. Ford, J.; Carl J. Landicino, J.; Susan Quirk, J.
JURISDICTION	New York Appellate Division, Second Department
DECIDED	February 18, 2026
DOCKET	2024-05274
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order denying the defendant's motion under CPL 440.47 to vacate her sentence and obtain resentencing under Penal Law § 60.12 and the Domestic Violence Survivors Justice Act.
STANDARD OF REVIEW	The Appellate Division reviewed whether the County Court properly denied resentencing after the CPL 440.47 hearing; the opinion states that the preponderance of the evidence standard applies to the statutory domestic-violence findings.
PRECEDENTIAL VALUE	Published New York Appellate Division opinion
PARTIES	Jennifer Molyneaux v. The People of the State of New York

TOPICS

sentencing

sentence modification

post-conviction relief

criminal procedure

appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

sentencing

post-conviction relief

QUESTIONS PRESENTED

1. Whether the defendant established by a preponderance of the evidence that, at the time of the offense, she was a victim of domestic violence subjected to substantial physical, sexual, or psychological abuse by a member of the same family or household, as required for resentencing under Penal Law § 60.12.
2. Whether the County Court properly denied the defendant's CPL 440.47 motion to vacate her sentence and resentence her under the Domestic Violence Survivors Justice Act.

HOLDINGS

1. The defendant's hearing evidence did not establish by a preponderance of the evidence that, at the time of the offense, she was a victim of domestic violence subjected to substantial physical, sexual, or psychological abuse by her accomplice.
2. The County Court did not err in denying the defendant's motion to vacate her sentence and obtain resentencing under Penal Law § 60.12.

KEY QUOTATIONS

“The DVSJA permits courts to impose reduced alternative, less severe, sentences in certain cases involving defendants who are victims of domestic violence”

“Accordingly, the court did not err in denying the defendant's motion for resentencing.”

FACTUAL BACKGROUND

On August 2, 2014, Jennifer Molyneaux strangled and killed a victim during a robbery, after which the victim's house was set on fire. Molyneaux pleaded guilty to murder in the second degree and was sentenced to an indeterminate term of 19 years to life. At the CPL 440.47 hearing, she offered evidence seeking to establish that she had been subjected to substantial domestic-violence abuse by her accomplice and that the abuse supported resentencing under Penal Law § 60.12.

PROCEDURAL HISTORY

The defendant pleaded guilty to murder in the second degree and received an indeterminate sentence of 19 years to life. In 2020, she moved under CPL 440.47 for resentencing under Penal Law § 60.12. After a hearing, the Orange County Court denied the motion on April 12, 2024, and the Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Burns, 207 AD3d 646, 648
- People v. Addimando, 197 AD3d 106, 109
- People v. Hudson, 232 AD3d 200, 204-205, lv granted 42 NY3d 1080
- People v. Jennifer F., 235 AD3d 776, 777
- People v. Rivera, 230 AD3d 517, 519
- People v. Angela VV., 229 AD3d 955, 956-957, affd __ NY3d __, 2025 NY Slip Op 03644
- People v. Addimando, 197 AD3d 106, 113 n, 115-116

OPINION

PER CURIAM.

People v Molyneaux (2026 NY Slip Op 00912) People v Molyneaux 2026 NY Slip Op 00912
Decided on February 18, 2026 Appellate Division, Second Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided on February 18, 2026 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department LARA J. GENOVESI, J.P.

WILLIAM G. FORD CARL J. LANDICINO SUSAN QUIRK, JJ. 2024-05274 (Ind. No. 526/14) [*1]The People of the State of New York, respondent, v Jennifer Molyneaux, appellant. Warren S. Hecht, Forest Hills, NY, for appellant. David M. Hoovler, District Attorney, Goshen, NY (Andrew R. Kass of counsel), for respondent. DECISION & ORDER Appeal by the defendant from an order of the County Court, Orange County (Craig Stephen Brown, J.), dated April 12, 2024, which, after a hearing, denied her motion pursuant to CPL 440.47 to vacate her sentence and to be resentenced in accordance with Penal Law § 60.12.

ORDERED that the order is affirmed. On August 2, 2014, the defendant strangled and killed a victim during the commission of a robbery. The victim's house was then set on fire. Thereafter, the defendant pleaded guilty to murder in the second degree. She was sentenced to an indeterminate term of imprisonment of 19 years to life.

In 2020, the defendant moved pursuant to CPL 440.47 to vacate her sentence and to be resentenced in accordance with Penal Law § 60.12, which was amended by the Domestic Violence Survivors Justice Act (DVSJA) (L 2019, ch 31, § 1; L 2019, ch 55, § 1, part WW, § 1 [eff May 14, 2019]). Following a hearing, the County Court, in an order dated April 12, 2024, denied the motion.

"The DVSJA permits courts to impose reduced alternative, less severe, sentences in certain cases involving defendants who are victims of domestic violence" (People v Burns, 207 AD3d 646, 648; see People v Addimando, 197 AD3d 106, 109). "Specifically, Penal Law § 60.12(1) provides that a sentencing court 'may instead impose' the alternate, reduced sentencing scheme where the

defendant stands convicted of certain offenses, if the court concludes, 'upon a determination following a hearing,' that: (1) 'at the time of the instant offense, the defendant was a victim of domestic violence subjected to substantial physical, sexual or psychological abuse inflicted by a member of the same family or household as the defendant'; (2) 'such abuse was a significant contributing factor to the defendant's criminal behavior'; and (3) 'having regard for the nature and circumstances of the crime and the history, character and condition of the defendant,... a sentence of imprisonment pursuant to [Penal Law §§ 70.00, 70.02, 70.06, 70.71(2) or (3)] would be unduly harsh'" (*People v Hudson*, 232 AD3d 200, 204-205, lv granted 42 NY3d 1080, quoting Penal Law § 60.12[1]). "'The preponderance of the evidence standard applies'" (*People v Jennifer F.*, 235 AD3d 776, 777, quoting *People v Rivera*, 230 AD3d 517, 519).

Here, as the County Court held, the defendant's evidence at the hearing did not establish that, at the time of the offense, the defendant was a victim of domestic violence subjected to substantial physical, sexual, or psychological abuse at the hands of the defendant's accomplice (see *People v Jennifer F.*, 235 AD3d at 777; *People v Angela VV.*, 229 AD3d 955, 956-957, affd __ NY3d __, 2025 NY Slip Op 03644; cf. *People v Addimando*, 197 AD3d at 113 n, 115-116).

Accordingly, the court did not err in denying the defendant's motion for resentencing. In light of our determination, the defendant's remaining contentions need not be reached. GENOVESI, J.P., FORD, LANDICINO and QUIRK, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court