

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

People v. Bones

2026 NY Slip Op 03557 · No. 296 KA 22-00018 · Decided June 5, 2026

SUMMARY

The New York Appellate Division, Fourth Department, affirmed a judgment convicting Anthony Bones upon his guilty plea to first-degree reckless endangerment. The court held that, even assuming his waiver of the right to appeal was invalid, the sentence was not unduly harsh or severe.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
WRITING FOR THE COURT	Lindley, J.P.; Curran, J.; Ogden, J.; Nowak, J.; DelConte, J.
JURISDICTION	New York Supreme Court, Appellate Division, Fourth Judicial Department
DECIDED	June 5, 2026
DOCKET	296 KA 22-00018
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of conviction entered after his guilty plea, challenging the severity of his sentence.
STANDARD OF REVIEW	Whether the sentence was unduly harsh or severe.
PRECEDENTIAL VALUE	Published appellate decision
PARTIES	Anthony Bones v. The People of the State of New York

TOPICS

- sentencing
- appellate procedure
- criminal procedure
- standard of review

PRACTICE AREAS

- criminal law
- appellate practice

QUESTIONS PRESENTED

1. Whether defendant's challenge to the severity of his sentence was reviewable notwithstanding his waiver of the right to appeal.
2. Whether the sentence imposed upon defendant's guilty plea was unduly harsh or severe.

HOLDINGS

1. The sentence was not unduly harsh or severe.

FACTUAL BACKGROUND

Defendant pleaded guilty in the same plea proceeding to reckless endangerment in the first degree and, in a separate appeal, burglary in the third degree. He challenged the severity of the sentence and argued that his waiver of the right to appeal was invalid.

PROCEDURAL HISTORY

The Niagara County Court entered judgment on August 24, 2021, convicting defendant upon his guilty plea to reckless endangerment in the first degree. Defendant appealed to the Appellate Division, Fourth Department. The appellate court affirmed the judgment, concluding that the sentence was not unduly harsh or severe, even assuming that defendant's waiver of the right to appeal was invalid.

DISPOSITION

affirmed

CASES CITED

- People v. Harrison, 242 AD3d 1540, 1541 [4th Dept 2025]
- People v. Free, 217 AD3d 1422, 1422 [4th Dept 2023]

OPINION

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PER CURIAM.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

v

ANTHONY BONES, DEFENDANT-APPELLANT. (APPEAL NO. 1.)

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

on June 5, 2026 296 KA 22-00018 Present: Lindley, J.P., Curran, Ogden, Nowak, And Delconte, JJ. THE LEGAL AID BUREAU OF BUFFALO, INC., BUFFALO (AXELLE LECOMTE MATHEWSON OF COUNSEL), FOR DEFENDANT-APPELLANT. BRIAN D. SEAMAN, DISTRICT ATTORNEY, LOCKPORT (LAURA T. JORDAN OF COUNSEL), FOR RESPONDENT. Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), rendered August 24, 2021. The judgment convicted defendant upon his plea of guilty of reckless endangerment in the first degree. [*1] It is hereby ORDERED that the judgment so appealed from is unanimously affirmed. Memorandum: Defendant appeals in appeal No. 1 from a judgment convicting him upon a plea of guilty of reckless endangerment in the first degree (Penal Law § 120.25) and, in appeal No. 2, from a judgment convicting him upon a plea of guilty, in the same plea proceeding, of burglary in the third degree (§ 140.20). Even assuming, arguendo, in each appeal that defendant's waiver of the right to appeal is invalid and therefore does not preclude our review of his challenge to the severity of the sentence (see People v Harrison , 242 AD3d 1540 , 1541 [4th Dept 2025]; People v Free , 217 AD3d 1422, 1422 [4th Dept 2023]), we conclude in each appeal that the sentence is not unduly harsh or severe. Entered: June 5, 2026 Ann Dillon Flynn Clerk of the Court Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.