

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

People v. Jones

2026 NY Slip Op 01250 (N.Y. Ct. App. 2026) · No. CR-24-0542 · Decided March 5, 2026

SUMMARY

The Appellate Division, Third Department affirmed an order denying Bruce Jones's CPL 440.10 motion to vacate his conviction for criminal possession of a weapon in the second degree. The court held that Jones failed to prove by a preponderance of the evidence that the traffic stop leading to his arrest was based on racial profiling. The court deferred to County Court's credibility determinations and concluded that the evidence, including alleged racist comments and later social media posts by an officer, was insufficient to establish racial profiling.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Third Department
WRITING FOR THE COURT	Clark, J.; Garry, P.J.; Pritzker, J.; Powers, J.; Corcoran, J.
JURISDICTION	New York Supreme Court, Appellate Division, Third Department
DECIDED	March 5, 2026
DOCKET	CR-24-0542
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed by permission from an order of the Chemung County Court denying, after a hearing, his CPL 440.10 motion to vacate the judgment convicting him of criminal possession of a weapon in the second degree.
STANDARD OF REVIEW	The Appellate Division afforded great deference to County Court's credibility determinations because County Court observed and evaluated the witnesses, and reviewed whether defendant met his burden of proving racial profiling by a preponderance of the evidence.
PRECEDENTIAL VALUE	Published New York Appellate Division opinion; precedential subject to possible revision before publication in the Official Reports.
PARTIES	Bruce Jones v. The People of the State of New York

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QUESTIONS PRESENTED

1. Whether defendant proved by a preponderance of the evidence that the traffic stop was predicated upon racial profiling, warranting vacatur of the conviction under CPL 440.10.
2. Whether County Court's credibility determinations and rejection of defendant's racial-profiling claim should be disturbed on appeal.

HOLDINGS

1. A defendant seeking to vacate a conviction under CPL 440.10 on the ground that the underlying stop was predicated on racial profiling bears the burden of proving that claim by a preponderance of the evidence.
2. Where the lower court had the opportunity to see and evaluate witnesses at a postconviction hearing, its credibility determinations are entitled to great deference and will not be disturbed absent a persuasive reason or rationale.

KEY QUOTATIONS

“To prevail on his motion to set aside the verdict under the circumstances of this case, defendant had the burden to prove by a preponderance of the evidence that the stop of the vehicle in which he was a passenger was predicated upon racial profiling” (at 1)

“an objective [review] of the facts and circumstances of the entire police encounter” (at 1)

FACTUAL BACKGROUND

In 2017, a police lieutenant conducting surveillance for suspected drug activity observed a vehicle driven by Jones's girlfriend enter a convenience-store parking lot. Jones briefly walked toward a house under surveillance, returned to the vehicle, and the vehicle then left without using turn signals. At the lieutenant's direction, a plainclothes officer stopped the vehicle, which was searched; officers found a backpack containing a weapon. Jones's girlfriend testified that the stopping officer made racist comments, while the officers denied hearing or making such comments. Jones also introduced social-media videos posted by the officer approximately three years after the stop.

PROCEDURAL HISTORY

Jones pleaded guilty to second-degree criminal possession of a weapon after a weapon was recovered during a search of a vehicle in which he was a passenger during a traffic stop. The Appellate Division previously affirmed the conviction but reversed a summary denial of Jones's CPL 440.10 motion and remitted for a hearing on whether the stop was based on racial profiling. After the hearing, County Court found that Jones failed to prove racial profiling by a preponderance of the evidence and denied the motion. The Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Jones, 210 AD3d 150, 155-156 (3d Dept. 2022)
- People v. Miller, 199 AD3d 1058, 1060 (3d Dept. 2021), lv denied 37 NY3d 1147 (2021)
- People v. Bodah, 67 AD3d 1195, 1196 (3d Dept. 2009), lv denied 14 NY3d 838 (2010)

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