

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

People v. Molyneaux

2026 NY Slip Op 00911 (N.Y. Ct. App. 2026) · No. 2018-01072 · Decided February 18, 2026

SUMMARY

The Appellate Division, Second Department affirmed Jennifer Molyneaux’s judgment of conviction for second-degree murder following her guilty plea. The court held that her purported appeal waiver was invalid because the oral colloquy mischaracterized the waiver and the written waiver lacked required clarifying language, but concluded that the sentence was not excessive.

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; Carl J. Landicino; Susan Quirk
JURISDICTION	New York Supreme Court, Appellate Division, Second Department
DECIDED	February 18, 2026
DOCKET	2018-01072
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the County Court, Orange County, convicting her of murder in the second degree upon her guilty plea and imposing sentence.
PRECEDENTIAL VALUE	published
PARTIES	Jennifer Molyneaux v. The People of the State of New York

TOPICS

- sentencing
- appellate procedure
- criminal procedure
- appellate jurisdiction

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate practice

QUESTIONS PRESENTED

1. Whether the defendant's purported waiver of the right to appeal was valid and barred appellate review of her excessive-sentence claim.
2. Whether the sentence imposed after the defendant's guilty plea was excessive.

HOLDINGS

1. The defendant's purported waiver of her right to appeal was invalid and therefore did not preclude appellate review of her excessive-sentence claim.
2. The sentence imposed was not excessive.

KEY QUOTATIONS

*"The County Court's terse oral colloquy mischaracterized the nature of the appeal waiver as an absolute bar to the taking of a direct appeal by stating only that it was "a waiver of your right to appeal your sentence as well as your conviction"" ([*1])*

FACTUAL BACKGROUND

Jennifer Molyneaux pleaded guilty to murder in the second degree in County Court, Orange County. The court imposed sentence, and Molyneaux appealed, challenging the sentence as excessive. The People argued that her purported waiver of the right to appeal precluded appellate review.

PROCEDURAL HISTORY

The County Court, Orange County, rendered judgment on May 17, 2017, after accepting the defendant's guilty plea to murder in the second degree and imposing sentence. The defendant appealed, and the Appellate Division affirmed, rejecting the People's argument that the defendant's appeal waiver barred review and holding that the sentence was not excessive.

DISPOSITION

affirmed

CASES CITED

- People v. Thomas, 34 NY3d 545
- People v. Muhammad, 231 AD3d 868, 869
- People v. Shanks, 37 NY3d 244, 253
- People v. Lawrence, 227 AD3d 829, 829
- People v. Richards, 224 AD3d 782, 783
- People v. Suitte, 90 AD2d 80

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