

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

OPINION

PER CURIAM.

People v Molyneaux (2026 NY Slip Op 00911) People v Molyneaux 2026 NY Slip Op 00911
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. 2018-01072 (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 a
judgment of the County Court, Orange County (Nicholas DeRosa, J.), rendered May 17, 2017,
convicting her of murder in the second degree, upon her plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed. Contrary to the People's contention, the defendant's
purported waiver of her right to appeal was invalid. 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" (see People v Thomas, 34 NY3d 545; People v Muhammad, 231 AD3d 868, 869).

In addition, the written appeal waiver did not contain clarifying language that appellate review
remained available for certain issues (see People v Shanks, 37 NY3d 244, 253). Accordingly, the
purported waiver of the right to appeal does not preclude appellate review of the defendant's
excessive sentence claim (see People v Lawrence, 227 AD3d 829, 829; People v Richards, 224
AD3d 782, 783).

Nonetheless, the sentence imposed was not excessive (see People v Suitte, 90 AD2d 80).
GENOVESI, J.P., FORD, LANDICINO and QUIRK, JJ., concur. ENTER: Darrell M. Joseph
Clerk of the Court