

**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.

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