

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

People v. Jones

2026 NY Slip Op 00664 (N.Y. Ct. App. 2026) · No. 40 KA 19-00449 · Decided February 11, 2026

SUMMARY

The New York Appellate Division, Fourth Department unanimously affirmed Ray Jones III's convictions for multiple sex offenses and endangering the welfare of a child. The court rejected or declined to review challenges concerning indictment sufficiency, search warrants, authentication of social media messages, hearsay, Molineux evidence, trial evidence, weight and sufficiency of the evidence, and ineffective assistance of counsel.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
WRITING FOR THE COURT	Montour, J.P.; Smith, J.; Greenwood, J.; Nowak, J.; Hannah, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
DECIDED	February 11, 2026
DOCKET	40 KA 19-00449
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a Monroe County Court judgment, rendered after a jury trial, convicting him of multiple sex offenses and endangering the welfare of a child.
STANDARD OF REVIEW	Unpreserved claims were reviewed under New York's preservation rules and were not considered in the interest of justice. Legal sufficiency was reviewed by viewing the evidence in the light most favorable to the People. Weight of the evidence was reviewed in light of the elements charged, with great deference to the jury's credibility determinations. Ineffective-assistance claims were assessed under New York's standard requiring meaningful representation.
PRECEDENTIAL VALUE	Published appellate decision
PARTIES	Ray Jones, III v. The People of the State of New York

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the indictment was jurisdictionally defective or factually insufficient because the predatory-sexual-assault count alleged a six-and-one-half-year period.
2. Whether defendant preserved challenges to the residence and social-media search warrants.
3. Whether social-media messages were properly authenticated through circumstantial evidence.
4. Whether testimony admitted under the prompt-outcry exception and evidence of prior domestic violence under Molineux were properly admitted.
5. Whether defendant preserved and established a violation of his rights to confront witnesses and present a defense based on the limitation concerning a prior sexually transmitted infection diagnosis.
6. Whether the evidence was legally sufficient to support the convictions for using a child in a sexual performance and promoting a sexual performance by a child despite the absence of the underlying video.
7. Whether the verdict was against the weight of the evidence.
8. Whether defendant was denied effective assistance of counsel through counsel's handling of CSAAS testimony, investigation of the cell phone, and impeachment and summation issues.

HOLDINGS

1. A challenge that the six-and-one-half-year period alleged in the predatory-sexual-assault count was excessive raised factual sufficiency, not a jurisdictional defect, and was unpreserved because defendant made only a general motion and the trial court did not expressly decide the specific issue.
2. Defendant abandoned his challenge to the residence search warrant by failing to seek a ruling on his motion and failing to object to admission of the seized evidence; his probable-cause and overbreadth challenge to the social-media warrant was unpreserved because it was not raised before the suppression court.
3. The social-media messages were properly authenticated through circumstantial evidence, including testimony about defendant's account username and personalized avatar and the content of the messages.
4. The trial court properly admitted testimony under the prompt-outcry exception to the hearsay rule and evidence of defendant's prior domestic violence against the victim's mother under Molineux.
5. The evidence was legally sufficient to support the convictions for use of a child in a sexual performance and promoting a sexual performance by a child even though the People did not produce the underlying video.
6. The verdict was not against the weight of the evidence.

7. Defendant was not denied effective assistance of counsel based on counsel's handling of CSAAS testimony, investigation of the cell phone, or impeachment and summation issues.

KEY QUOTATIONS

"The credibility of the authenticating witness[es] goes to the weight to be accorded the evidence, not to its admissibility" ([*2])

"the testimony of [the victim] can be enough to support a conviction" ([*3])

"There can be no denial of effective assistance of trial counsel arising from counsel's failure to 'make a motion or argument that has little or no chance of success'" ([*4])

FACTUAL BACKGROUND

The prosecution arose from allegations that defendant sexually abused a female child over a period of years during her childhood. The evidence included the victim's testimony, testimony from her mother and other witnesses, social-media messages associated with defendant's account, evidence concerning a video defendant allegedly recorded, prompt-outcry testimony, and evidence of prior domestic violence against the victim's mother. The jury convicted defendant of all charged offenses identified in the judgment.

PROCEDURAL HISTORY

Defendant was convicted by a jury in Monroe County Court of predatory sexual assault against a child, criminal sexual act in the third degree, rape in the third degree, sexual abuse in the third degree, use of a child in a sexual performance, promoting a sexual performance by a child, and endangering the welfare of a child. He appealed, challenging the indictment, searches, admission and authentication of social-media evidence, hearsay and Molineux evidence, cross-examination restrictions, legal sufficiency and weight of the evidence, and the effectiveness of trial counsel. The Appellate Division unanimously affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Carter, 147 A.D.3d 1514, 1515 (4th Dep't 2017), lv. denied, 29 N.Y.3d 1030 (2017)
- People v. Iannone, 45 N.Y.2d 589, 600-601 (1978)
- People v. Spears, 125 A.D.3d 1401, 1402 (4th Dep't 2015), lv. denied, 25 N.Y.3d 1172 (2015)
- People v. Carey, 92 A.D.3d 1224, 1224-1225 (4th Dep't 2012), lv. denied, 18 N.Y.3d 992 (2012)
- People v. Smith, 147 A.D.3d 1527, 1528 (4th Dep't 2017), lv. denied, 29 N.Y.3d 1087 (2017)
- People v. Mulligan, 118 A.D.3d 1372, 1376 (4th Dep't 2014), lv. denied, 25 N.Y.3d 1075 (2015)
- People v. Navarro, 158 A.D.3d 1242, 1243-1244 (4th Dep't 2018), lv. denied, 31 N.Y.3d 1120 (2018)
- People v. Woodring, 48 A.D.3d 1273, 1275 (4th Dep't 2008), lv. denied, 10 N.Y.3d 846 (2008)
- People v. Myles, 216 A.D.3d 1419, 1421-1422 (4th Dep't 2023), lv. denied, 40 N.Y.3d 936 (2023)

- *People v. McKoy*, 217 A.D.3d 1396, 1397-1398 (4th Dep't 2023), lv. denied, 40 N.Y.3d 998 (2023)
- *People v. Pierre*, 41 A.D.3d 289, 291 (1st Dep't 2007), lv. denied, 9 N.Y.3d 880 (2007)
- *People v. Kingsberry*, 194 A.D.3d 843, 844 (2d Dep't 2021), lv. denied, 37 N.Y.3d 993 (2021)
- *People v. Serrano*, 173 A.D.3d 1484, 1488 (3d Dep't 2019), lv. denied, 34 N.Y.3d 937 (2019)
- *People v. Mencil*, 206 A.D.3d 1550, 1552 (4th Dep't 2022), lv. denied, 38 N.Y.3d 1152 (2022)
- *People v. Green*, 107 A.D.3d 915, 916 (2d Dep't 2013), lv. denied, 22 N.Y.3d 1088 (2014)
- *People v. Tucker*, 200 A.D.3d 1584, 1586 (4th Dep't 2021), lv. denied, 38 N.Y.3d 954 (2022)
- *People v. Minutolo*, 215 A.D.3d 1260, 1260-1261 (4th Dep't 2023), lv. denied, 40 N.Y.3d 1093 (2024)
- *People v. Byrd*, 214 A.D.3d 1321, 1323 (4th Dep't 2023), lv. denied, 40 N.Y.3d 927 (2023)
- *People v. Stuckey*, 50 A.D.3d 447, 448 (1st Dep't 2008), lv. denied, 11 N.Y.3d 742 (2008)
- *People v. Rodriguez*, 284 A.D.2d 952, 952 (4th Dep't 2001), lv. denied, 96 N.Y.2d 924 (2001)
- *People v. McDaniel*, 81 N.Y.2d 10, 16-18 (1993)
- *People v. Cuadrado*, 227 A.D.3d 1174, 1180-1181 (3d Dep't 2024), lv. denied, 42 N.Y.3d 969 (2024)
- *People v. Cruz-Rivera*, 174 A.D.3d 1512, 1513 (4th Dep't 2019), lv. denied, 34 N.Y.3d 1127 (2020)
- *People v. Billip*, 65 A.D.3d 430, 430-431 (1st Dep't 2009), lv. denied, 13 N.Y.3d 834 (2009)
- *People v. Gray*, 86 N.Y.2d 10, 19 (1995)
- *People v. Schultz*, 266 A.D.2d 919, 919 (4th Dep't 1999), lv. denied, 94 N.Y.2d 906 (2000)
- *People v. Farbman*, 231 A.D.2d 588, 588 (2d Dep't 1996), lv. denied, 89 N.Y.2d 863 (1996)
- *People v. Contes*, 60 N.Y.2d 620, 621 (1983)
- *People v. Keane*, 240 A.D.3d 1424, 1426 (4th Dep't 2025), lv. denied, 44 N.Y.3d 993 (2025), reconsideration denied, 44 N.Y.3d 1028 (2025)
- *People v. Harrell*, 235 A.D.3d 1294, 1297-1298 (4th Dep't 2025), lv. denied, 43 N.Y.3d 1009 (2025)
- *People v. Roman*, 107 A.D.3d 1441, 1442 (4th Dep't 2013), lv. denied, 21 N.Y.3d 1045 (2013)
- *People v. Danielson*, 9 N.Y.3d 342, 349 (2007)
- *People v. Tetro*, 175 A.D.3d 1784, 1788 (4th Dep't 2019)
- *People v. Mercado-Gomez*, 206 A.D.3d 1643, 1644-1645 (4th Dep't 2022)
- *People v. Goodson*, 144 A.D.3d 1515, 1516 (4th Dep't 2016), lv. denied, 29 N.Y.3d 949 (2017)
- *People v. Hackett*, 166 A.D.3d 1483, 1485 (4th Dep't 2018), lv. denied, 32 N.Y.3d 1204 (2019), reconsideration denied, 33 N.Y.3d 949 (2019)
- *People v. Caban*, 5 N.Y.3d 143, 152 (2005)
- *People v. Young*, 206 A.D.3d 1631, 1633 (4th Dep't 2022)
- *People v. Meyers*, 188 A.D.3d 1732, 1734 (4th Dep't 2020)
- *People v. Englert*, 130 A.D.3d 1532, 1533-1534 (4th Dep't 2015), lv. denied, 26 N.Y.3d 967 (2015), lv. denied, 26 N.Y.3d 1144 (2016)
- *People v. Flores*, 84 N.Y.2d 184, 187 (1994)
- *People v. Nicholson*, 26 N.Y.3d 813, 832 (2016)
- *People v. Mastin*, 232 A.D.3d 1268, 1270 (4th Dep't 2024), lv. denied, 42 N.Y.3d 1053 (2024)

- **People v. Pratt**, 162 A.D.3d 1202, 1204 (3d Dep't 2018), lv. denied, 32 N.Y.3d 940 (2018)

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