

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
NEW YORK

Andrew Jones v. T McGuinness

Jones · No. 9:23-CV-0077 (LEK) · Decided February 23, 2026

SUMMARY

The United States District Court for the Northern District of New York denied and dismissed Andrew Jones’s petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court held that Jones’s challenges based on New York sentencing law were not cognizable on federal habeas review and that the state court’s rejection of his Double Jeopardy claim was neither contrary to nor an unreasonable application of clearly established Supreme Court precedent. The court also denied a certificate of appealability.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Northern District of New York                                                                                                                                                                                                                                                                                                                                                 |
| WRITING FOR THE COURT | Lawrence K. Kahn                                                                                                                                                                                                                                                                                                                                                                                                   |
| JURISDICTION          | United States District Court for the Northern District of New York                                                                                                                                                                                                                                                                                                                                                 |
| DECIDED               | February 23, 2026                                                                                                                                                                                                                                                                                                                                                                                                  |
| DOCKET                | 9:23-CV-0077 (LEK)                                                                                                                                                                                                                                                                                                                                                                                                 |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                                                                                                                          |
| PROCEDURAL POSTURE    | Petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging state-court convictions, sentences, and the calculation of parole eligibility.                                                                                                                                                                                                                                                             |
| STANDARD OF REVIEW    | Under AEDPA, relief is available only if the state-court adjudication resulted in a decision contrary to, or involving an unreasonable application of, clearly established Supreme Court law, or was based on an unreasonable determination of the facts. State-court factual determinations are presumed correct absent clear and convincing evidence. Claims not adjudicated on the merits are reviewed de novo. |
| PRECEDENTIAL VALUE    | unpublished district court memorandum-decision and order; persuasive, nonprecedential                                                                                                                                                                                                                                                                                                                              |
| PARTIES               | Andrew Jones v. T McGuinness                                                                                                                                                                                                                                                                                                                                                                                       |

TOPICS

federal habeas corpus

post-conviction relief

double jeopardy

sentencing

ineffective assistance

## PRACTICE AREAS

federal habeas corpus

criminal procedure

sentencing

post-conviction relief

## QUESTIONS PRESENTED

1. Whether Jones's challenge to the state courts' application of New York sentencing and sentence-credit statutes was cognizable on federal habeas review.
2. Whether the recalculation of Jones's parole-eligibility date and continued service of the aggregate sentence violated the Double Jeopardy Clause.
3. Whether the state courts' rejection of Jones's federal claims was contrary to, or an unreasonable application of, clearly established federal law under AEDPA.

## HOLDINGS

1. A federal habeas court may not grant relief based solely on an alleged error in the interpretation or application of New York sentencing law.
2. Recalculation of parole eligibility based on the remaining aggregate sentence did not violate double jeopardy because Jones had no legitimate expectation of finality in the uncompleted aggregate sentence.
3. The petition could not be granted because the state courts' rejection of the double-jeopardy claim was not contrary to or an unreasonable application of clearly established Supreme Court law and was not based on an unreasonable factual determination.

## KEY QUOTATIONS

*"It is not the province of a federal habeas court to reexamine state-court determinations on state-law questions."* (III.A)

*"Therefore, because Petitioner has not completed the aggregate 29-year minimum sentence that he is presently serving, he has no legitimate expectation of finality."* (III.B)

## FACTUAL BACKGROUND

Jones received consecutive indeterminate sentences for a 1999 drug conviction and a 2003 second-degree murder conviction. His 2001 assault conviction was later vacated after the Appellate Division found ineffective assistance of counsel, and his later 2016 assault conviction and sentence were also vacated, with the indictment dismissed. DOCCS recalculated his parole-eligibility date based on the aggregate minimum terms of the remaining 1999 and 2003 sentences, resulting in a March 3, 2030 eligibility date after credit for 153 days. Jones argued that he was entitled to credit for time served under the vacated assault sentences and that the recalculation violated double jeopardy.

## PROCEDURAL HISTORY

Jones challenged his New York sentences through a motion under New York Criminal Procedure Law §§ 440.10 and 440.20, direct appeals, and an Article 78 proceeding concerning the Department of Corrections and Community Supervision's parole-eligibility calculation. The New York Appellate Division vacated his guilty plea and remanded for further proceedings based on ineffective assistance of counsel; the New York Court of Appeals denied leave to appeal. The Albany County Court and later the Appellate Division rejected his challenge to the parole calculation, and the Court of Appeals denied further leave. Jones then filed this federal habeas petition. The district court denied and dismissed the petition in its entirety and denied a certificate of appealability.

#### DISPOSITION

dismissed

#### CASES CITED

- People v. Jones, 171 A.D.3d 1249, 1249-51 (3d Dep't 2019)
- People v. Jones, 136 A.D.3d 1153 (3d Dep't 2016)
- People v. Jones, 27 N.Y.3d 1000 (N.Y. 2016)
- People v. Jones, 33 N.Y.3d 1070 (N.Y. 2019)
- Williams v. Taylor, 529 U.S. 362, 405, 409-13 (2000)
- Smalls v. Batista, 191 F.3d 272, 278 (2d Cir. 1999)
- Jones v. Vacco, 126 F.3d 408, 415 (2d Cir. 1997)
- Dolphy v. Mantello, 552 F.3d 236, 238 (2d Cir. 2009)
- Spears v. Greiner, 459 F.3d 200, 203 (2d Cir. 2006)
- Harrington v. Richter, 562 U.S. 86, 98 (2011)
- Ortiz v. New York State Parole in Bronx, N.Y., 586 F.3d 149, 158 (2d Cir. 2009)
- Estelle v. McGuire, 502 U.S. 62, 67-68 (1991)
- Portalatin v. Graham, 624 F.3d 69, 88-89 (2d Cir. 2010)
- Mullaney v. Wilbur, 421 U.S. 684, 691 (1975)
- Swarthout v. Cooke, 562 U.S. 216, 219 (2011)
- Thomas v. Larkin, 2013 WL 5963133, at \*13 (E.D.N.Y. Nov. 7, 2013)
- Pulley v. Harris, 465 U.S. 37, 41 (1984)
- Boyd v. Meachum, 77 F.3d 60, 63 (2d Cir. 1996)
- Hawkins v. Costello, 460 F.3d 238, 242 (2d Cir. 2006)
- North Carolina v. Pearce, 395 U.S. 711, 717 (1969)
- United States v. Kyles, 601 F.3d 78, 83-84 (2d Cir. 2010)
- People v. Brinson, 21 N.Y.3d 490, 493-96 (N.Y. 2013)
- Smith v. Wenderlich, 826 F.3d 641, 650-52 (2d Cir. 2016)
- Rodriguez v. Keyser, 2016 WL 264141, at \*5 (S.D.N.Y. Jan. 19, 2016)
- Miller-El v. Cockrell, 537 U.S. 322, 336 (2003)

- Richardson v. Greene, 497 F.3d 212, 217 (2d Cir. 2007)
- Lebron v. Sanders, 557 F.3d 76 (2d Cir. 2009) (per curiam)

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