

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
THIRD DEPARTMENT

People v. Moloney

Moloney, 2026 NY Slip Op 00405 (Supreme Court of the State of New York Appellate Division Third Department 2026) · No. 113322 · Decided January 29, 2026

SUMMARY

The Appellate Division, Third Department affirmed a judgment convicting John Moloney Jr. upon his guilty plea to criminal contempt in the first degree. The court granted appellate counsel's application to be relieved of the assignment after finding no nonfrivolous issues for appeal.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Third Department
WRITING FOR THE COURT	Aarons, J.P.; Fisher, J.; McShan, J.; Powers, J.; Mackey, J.
JURISDICTION	New York Appellate Division, Third Department
DECIDED	January 29, 2026
DOCKET	113322
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Washington County Court convicting him upon his guilty plea of criminal contempt in the first degree. Appellate counsel moved to be relieved from the assignment on the ground that no nonfrivolous issues existed.
STANDARD OF REVIEW	The Appellate Division independently reviewed the record and appellate counsel's brief to determine whether any nonfrivolous issue existed.
PRECEDENTIAL VALUE	Published opinion of the New York Appellate Division, Third Department
PARTIES	John Moloney Jr. v. The People of the State of New York

TOPICS

- appellate procedure
- criminal procedure
- right to counsel
- plea bargaining

PRACTICE AREAS

criminal procedure

appellate procedure

right to counsel

QUESTIONS PRESENTED

1. Whether appellate counsel should be relieved of the assignment because the record presented no nonfrivolous issues.
2. Whether the judgment of conviction should be affirmed.

HOLDINGS

1. Appellate counsel may be relieved of the assignment when review of the record and counsel's brief establishes that there are no nonfrivolous issues to raise on appeal.
2. The judgment convicting defendant upon his guilty plea and imposing the agreed-upon sentence is affirmed.

FACTUAL BACKGROUND

Defendant entered a guilty plea to criminal contempt in the first degree in satisfaction of a six-count indictment. He agreed to waive his right to appeal and received the agreed-upon sentence of one and one-half to three years in prison as a second felony offender.

PROCEDURAL HISTORY

Defendant pleaded guilty to criminal contempt in the first degree in satisfaction of a six-count indictment and agreed to waive his right to appeal. County Court sentenced him as a second felony offender to the agreed-upon term of one and one-half to three years in prison. On appeal, assigned counsel sought permission to withdraw, and the Appellate Division reviewed the record and counsel's brief before affirming.

DISPOSITION

affirmed

CASES CITED

- People v. Cruwys, 113 AD2d 979, 980 (3d Dept. 1985), lv denied, 67 NY2d 650 (1986)
- People v. Beaty, 22 NY3d 490, 492-493 (2014)
- People v. Stokes, 95 NY2d 633, 638-639 (2001)

OPINION

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PER CURIAM.

People v Moloney (2026 NY Slip Op 00405) People v Moloney 2026 NY Slip Op 00405
Decided on January 29, 2026 Appellate Division, Third 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 and Entered: January 29, 2026 113322 [*1] The People of the State of New York, Respondent, v John Moloney Jr., Appellant. Calendar Date: January 2, 2026 Before: Aarons, J.P., Fisher, McShan, Powers and Mackey, JJ. Stephan R. Weiss, Schenectady, for appellant. J. Anthony Jordan, District Attorney, Fort Edward (Taylor Fitzsimmons of counsel), for respondent. Appeal from a judgment of the County Court of Washington County (Kelly McKeighan, J.), rendered October 15, 2021, convicting defendant upon his plea of guilty of the crime of criminal contempt in the first degree. In satisfaction of a six-count indictment, defendant pleaded guilty to criminal contempt in the first degree and agreed to waive his right to appeal. County Court sentenced defendant, as a second felony offender, to the agreed-upon sentence of 1½ to 3 years in prison. Defendant appeals. Appellate counsel seeks to be relieved of his assignment of representing defendant on the ground that there are no nonfrivolous issues to be raised on appeal. Upon our review of the record and appellate counsel's brief, we agree. Therefore, the judgment is affirmed and counsel's application to be relieved of assignment is granted (see *People v Cruwys* , 113 AD2d 979, 980 [3d Dept 1985], lv denied 67 NY2d 650 [1986]; see generally *People v Beaty* , 22 NY3d 490, 492-493 [2014]; *People v Stokes* , 95 NY2d 633, 638-639 [2001]). Aarons, J.P., Fisher, McShan, Powers and Mackey, JJ., concur. ORDERED that the judgment is affirmed, and application to be relieved of assignment granted.