

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

People v. Jones

2026 NY Slip Op 01468 · No. Ind. No. 70187/22; Appeal No. 6093; Case No. 2023-04841 · Decided March 17, 2026

SUMMARY

The Appellate Division, First Department unanimously affirmed an order adjudicating Jefferey Jones a level three sexually violent offender under the Sex Offender Registration Act. The court held that the SORA court properly denied a downward departure, citing Jones's repeated sex-offense convictions, high risk of recidivism, and the weight of his criminal history over mitigating factors.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Manzanet-Daniels, J.P.; Kapnick, J.; Shulman, J.; Chan, J.; Hagler, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	March 17, 2026
DOCKET	Ind. No. 70187/22; Appeal No. 6093; Case No. 2023-04841
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from an order of Supreme Court, New York County, adjudicating him a level three sexually violent offender under the Sex Offender Registration Act.
STANDARD OF REVIEW	Whether the SORA court providently exercised its discretion in denying a downward departure, together with the Appellate Division's independent discretion to adjudicate defendant a lower risk level.
PRECEDENTIAL VALUE	Published
PARTIES	Jefferey Jones v. The People of the State of New York

TOPICS

- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the SORA court providently exercised its discretion in denying defendant's request for a downward departure from a level three to a level two designation.
2. Whether the Appellate Division should exercise its independent discretion to adjudicate defendant a level two offender based on the asserted mitigating circumstances.

HOLDINGS

1. The SORA court providently exercised its discretion in denying defendant's request for a downward departure from a level three to a level two designation.
2. Defendant presented no basis for the Appellate Division to exercise its independent discretion to adjudicate him a level two offender.

KEY QUOTATIONS

*“The SORA court providently exercised its discretion when it denied defendant's request for a downward departure, and defendant has presented no basis for this Court to exercise its independent discretion to adjudicate him a level two offender” (*1)*

*“These convictions resulted in defendant being twice adjudicated as a level two sex offender and once as a level two predicate sex offender, none of which deterred the instant offense for persistent sexual abuse.” (*1)*

FACTUAL BACKGROUND

Defendant had repeated convictions for forcible touching and a prior conviction for sexual abuse in the third degree. He had previously been adjudicated a level two sex offender twice and a level two predicate sex offender once, but those adjudications did not deter the instant offense involving persistent sexual abuse. Defendant cited substance-abuse treatment, family support, and release to specialized supervision as mitigating circumstances.

PROCEDURAL HISTORY

Supreme Court, New York County, adjudicated defendant a level three sexually violent offender pursuant to Correction Law article 6-C and denied his request for a downward departure to level two. On appeal, the Appellate Division, First Department unanimously affirmed the order without costs.

DISPOSITION

affirmed

CASES CITED

- People v. Gillotti, 23 NY3d 841, 861 (2014)
- People v. Corian, 77 AD3d 590, 590 (1st Dept. 2010), lv denied 16 NY3d 705 (2011)

- People v. Austin, 237 AD3d 572, 574 (1st Dept. 2025)
- People v. Torres, 220 AD3d 514, 515 (1st Dept. 2023), lv denied 41 NY3d 908 (2024)

OPINION

PER CURIAM.

People v Jones (2026 NY Slip Op 01468) People v Jones 2026 NY Slip Op 01468 Decided on March 17, 2026 Appellate Division, First 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: March 17, 2026 Before: Manzanet-Daniels, J.P., Kapnick, Shulman, Chan, Hagler, JJ. Ind. No. 70187/22|Appeal No. 6093|Case No. 2023-04841| [*1]The People of the State of New York, Respondent, v Jefferey Jones, Defendant-Appellant.

Jenay Nurse Guilford, Center for Appellate Litigation, New York (Alec D. Miran of counsel), for appellant. Alvin L. Bragg, Jr., District Attorney, New York (Robert Butlien of counsel), for respondent. Order, Supreme Court, New York County (Ann Thompson, J.), entered on or about August 29, 2023, which adjudicated defendant a level three sexually violent offender pursuant to the Sex Offender Registration Act (Correction Law art 6-C), unanimously affirmed, without costs.

The SORA court providently exercised its discretion when it denied defendant's request for a downward departure, and defendant has presented no basis for this Court to exercise its independent discretion to adjudicate him a level two offender (see People v Gillotti, 23 NY3d 841, 861 [2014]). Defendant has demonstrated an extremely high risk of recidivism, evidenced by his repeated convictions for forcible touching (Penal Law § 130.52) and his prior conviction for sexual abuse in the third degree (Penal Law § 130.55).

These convictions resulted in defendant being twice adjudicated as a level two sex offender and once as a level two predicate sex offender, none of which deterred the instant offense for persistent sexual abuse. Moreover, his claim that the type of misconduct he engaged in did not warrant a level three adjudication is unpersuasive (see e.g. People v Corian, 77 AD3d 590, 590 [1st Dept 2010], lv denied 16 NY3d 705 [2011]).

Defendant's completion of substance abuse treatment, his family support, and his release to specialized supervision were adequately accounted for in the risk assessment instrument (see People v Austin, 237 AD3d 572, 574 [1st Dept 2025]).

In any event, defendant's cited mitigation was outweighed by the nature of the instant offense and his criminal history, including his "repetitive and compulsive pattern of offending behavior" (see People v Torres, 220 AD3d 514, 515 [1st Dept 2023], lv denied 41 NY3d 908 [2024]).THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: March 17, 2026

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