

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)

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