



**OFFICE OF THE ULSTER COUNTY DISTRICT ATTORNEY**  
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**FOR IMMEDIATE RELEASE**

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**APPELLATE COURT UPHOLDS CONVICTION OF ROBERT “NIKKI” JAMES FOR  
2020 VAN BUREN STREET MURDER**

KINGSTON, NY—On Thursday, October 31, 2024, the Appellate Division, Third Department, unanimously affirmed the February 9, 2022, conviction of Robert “Nikki” James following his plea of guilty to two separate indictments.

On December 17, 2020, James aided codefendant Gilbert Thomas, who used an AK-47 to shoot into a residence on Van Buren Street in the City of Kingston that was occupied by five children, killing twelve-year-old D’Janeira Mason and seriously wounding her brother in the left arm. James stated he told Thomas not to shoot because there were kids inside. Thomas told James in response, “I don’t give a [expletive].” Thomas then shot at the home nine times. Two of the bullets entered the children’s bedroom, one of the bullets striking D’Janeira in the head and killing her instantly. Following the shooting, James carried a bag containing the murder weapon away from the scene.

The prosecution reached an agreement requiring James to plead guilty to Criminal Possession of a Weapon in the Second Degree in connection to the murder, and also to a previous and unrelated Criminal Sale of a Controlled Substance in the Third Degree. The agreed-upon sentence was for thirteen years in State Prison. James entered his guilty pleas on October 20, 2021, stating on the record that he was pleading knowingly and voluntarily, and with the Court providing on the record all of the consequences of violating the agreement.

Following his plea of guilty, James provided false statements to the Ulster County Department of Probation while it was preparing a Pre-Sentence Investigation Report prior to the sentencing. James failed to admit to Probation whether he knowingly possessed the weapon during the murder; these statements directly contradicted his plea.

At sentencing on February 9, 2022, James admitted to violating his plea agreement, waiving his right to an *Outley* hearing, and was sentenced by the Honorable Bryan E. Rounds to a determinate sentence of fifteen years, the maximum, on the Criminal Possession of a Weapon in the Second Degree. Judge Rounds also sentenced James to five years for his plea to the Criminal Sale of a Controlled Substance, with both sentences to run consecutively for a total of twenty years in State Prison plus eight years of post-release supervision.



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On appeal, James claimed that his sentence was too harsh and that he did not receive effective assistance from his lawyer. The Appellate Division in Albany rejected his claims and affirmed his conviction and sentence. The full decision is available online here: <https://decisions.courts.state.ny.us/ad3/Decisions/2024/113669.pdf>

**Ulster County DA's Chief of Appeals Joan G. Lamb** represented the prosecution in the appeal. Defendant was represented by appellate attorney Angela Kelly in the appeal.

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