

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT

People v. Hudgins

2026 NY Slip Op 01378 · No. 2023-07105 · Decided March 11, 2026

SUMMARY

The Appellate Division, Second Department affirmed a judgment convicting Benjamin Hudgins of attempted criminal possession of a weapon in the second degree following his guilty plea. The court held that his valid waiver of appellate rights precluded review of his excessive-sentence claim, while his constitutional challenge to New York's firearm licensing scheme was unpreserved and would not be reached in the interest of justice.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Francesca E. Connolly, J.P.; Cheryl E. Chambers, J.; William G. Ford, J.; James P. McCormack, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	March 11, 2026
DOCKET	2023-07105
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Supreme Court, Richmond County, entered after his guilty plea and sentencing.
STANDARD OF REVIEW	The court applied waiver and preservation principles governing appellate review. It declined to exercise its interest of justice jurisdiction to review the unpreserved constitutional contention.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Benjamin Hudgins v. The People of the State of New York

TOPICS

- criminal procedure
- appellate procedure
- preservation of error
- sentencing
- constitutional law

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether the defendant's valid waiver of the right to appeal barred appellate review of his claim that the sentence was excessive.
2. Whether the defendant's facial constitutional challenge to New York's firearm licensing scheme was barred by the appeal waiver.
3. Whether the unpreserved constitutional challenge should nevertheless be reviewed in the exercise of the court's interest of justice jurisdiction.

HOLDINGS

1. The defendant knowingly, voluntarily, and intelligently waived his right to appeal, and the valid waiver precluded appellate review of his contention that the sentence imposed was excessive.
2. The defendant's valid waiver of the right to appeal did not preclude his contention that Bruen rendered New York's entire firearm licensing scheme facially unconstitutional.
3. The facial constitutional challenge was unpreserved for appellate review, and the court declined to reach it in the exercise of its interest of justice jurisdiction.

KEY QUOTATIONS

“The record demonstrates that the defendant knowingly, voluntarily, and intelligently waived his right to appeal” ([*1])

“The defendant's valid waiver of his right to appeal precludes appellate review of his contention that the sentence imposed was excessive” ([*1])

“However, that contention is unpreserved for appellate review” ([*1])

FACTUAL BACKGROUND

The defendant was convicted upon his plea of guilty to attempted criminal possession of a weapon in the second degree. The Supreme Court, Richmond County, imposed sentence in a judgment rendered June 29, 2023.

PROCEDURAL HISTORY

The defendant pleaded guilty to attempted criminal possession of a weapon in the second degree and was sentenced by the Supreme Court, Richmond County, in a judgment rendered June 29, 2023. He appealed, challenging the excessiveness of his sentence and arguing that New York's firearm licensing scheme was facially unconstitutional after *New York State Rifle & Pistol Assn., Inc. v. Bruen*.

DISPOSITION

affirmed

CASES CITED

- People v. Thomas, 34 N.Y.3d 545
- People v. Lopez, 6 N.Y.3d 248, 255
- People v. Lawrence, 184 A.D.3d 587, 587
- New York State Rifle & Pistol Assn., Inc. v. Bruen, 597 U.S. 1, 70-71
- People v. Johnson, __ N.Y.3d __, __, 2025 NY Slip Op 06528, *2
- People v. Shemar D., __ A.D.3d __, 2026 NY Slip Op 00385
- People v. Cabrera, 41 N.Y.3d 35, 38-39
- People v. Munoz, 237 A.D.3d 1110, 1111
- People v. McLean, 244 A.D.3d 1248, 1249

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