

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

OPINION

PER CURIAM.

People v Hudgins (2026 NY Slip Op 01378) People v Hudgins 2026 NY Slip Op 01378 Decided on March 11, 2026 Appellate Division, Second 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 on March 11, 2026 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department FRANCESCA E. CONNOLLY, J.P.

CHERYL E. CHAMBERS WILLIAM G. FORD JAMES P. MCCORMACK, JJ. 2023-07105 [*1]The People of the State of New York, respondent, v Benjamin Hudgins, appellant. (S.C.I. No. 70231/21) Patricia Pazner, New York, NY (Steven C. Kuza of counsel), for appellant. Michael E. McMahon, District Attorney, Staten Island, NY (Thomas B. Litsky and Rhys Johnson of counsel), for respondent.

DECISION & ORDER Appeal by the defendant from a judgment of the Supreme Court, Richmond County (Lisa Grey, J.), rendered June 29, 2023, convicting him of attempted criminal possession of a weapon in the second degree, upon his plea of guilty, and imposing sentence. ORDERED that the judgment is affirmed.

The record demonstrates that the defendant knowingly, voluntarily, and intelligently waived his right to appeal (see People v Thomas, 34 NY3d 545; People v Lopez, 6 NY3d 248). The defendant's valid waiver of his right to appeal precludes appellate review of his contention that the sentence imposed was excessive (see People v Lopez, 6 NY3d at 255; People v Lawrence, 184 AD3d 587, 587).

The defendant's contention that the United States Supreme Court's invalidation of the "proper cause" requirement to obtain a pistol license (see New York State Rifle & Pistol Assn., Inc. v Bruen, 597 US 1, 70-71) rendered New York's entire firearm licensing scheme facially unconstitutional is not precluded by his valid waiver of the right to appeal (see People v Johnson, ___, NY3d ___, ___, 2025 NY Slip Op 06528, *2; People v Shemar D., ___ AD3d ___, 2026 NY Slip Op 00385).

However, that contention is unpreserved for appellate review (see CPL 470.05[2]; People v Cabrera, 41 NY3d 35, 38-39; People v Munoz, 237 AD3d 1110, 1111), and we decline to reach it in the exercise of our interest of justice jurisdiction (see People v McLean, 244 AD3d 1248, 1249; People v Munoz, 237 AD3d at 1111). CONNOLLY, J.P., CHAMBERS, FORD and MCCORMACK, JJ., concur.

ENTER: Darrell M. Joseph Clerk of the Court