

SUPREME COURT OF NEW YORK, APPELLATE DIVISION, FIRST
DEPARTMENT

People v. Robles

Robles, 2026 NY Slip Op 01741 (N.Y. 2026) · No. Ind. No. 72175/23; Appeal No. 6185; Case No. 2024-06777 ·
Decided March 24, 2026

SUMMARY

The New York Supreme Court, Appellate Division, First Department unanimously affirmed Saint Robles's judgment of conviction for attempted criminal possession of a weapon in the second degree. The court held that his valid appeal waiver foreclosed review of his excessive-sentence claim, while his constitutional challenges to New York's firearm licensing scheme and large-capacity magazine prohibition were either unpreserved, subject to discretionary nonreview, or moot. The court also concluded that his ineffective-assistance claim was generally unreviewable on direct appeal and did not establish ineffective assistance on the record presented.

CASE DETAILS

COURT	Supreme Court of New York, Appellate Division, First Department
WRITING FOR THE COURT	Manzanet-Daniels, J.P.; Shulman, J.; Rodriguez, J.; Higgitt, J.; Rosado, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	March 24, 2026
DOCKET	Ind. No. 72175/23; Appeal No. 6185; Case No. 2024-06777
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of Supreme Court, Bronx County, rendered after his guilty plea and sentencing for attempted criminal possession of a weapon in the second degree.
STANDARD OF REVIEW	The court reviewed the excessive-sentence claim subject to the valid appeal waiver, declined to review unpreserved constitutional claims in the interest of justice, considered the alternative constitutional claim under New York State Rifle & Pistol Assn., Inc. v. Bruen, and held that ineffective-assistance claims involving matters outside the record must be raised by CPL 440.10 motion.
PRECEDENTIAL VALUE	published and precedential

PARTIES

Saint Robles v. The People of the State of New York

TOPICS

second amendment

sentencing

ineffective assistance

preservation of error

appellate procedure

PRACTICE AREAS

criminal procedure

appellate procedure

constitutional law

firearms law

ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether defendant's excessive-sentence claim was reviewable despite his valid waiver of the right to appeal.
2. Whether defendant's constitutional challenge to New York's firearm licensing scheme and indictment was preserved and reviewable on direct appeal.
3. Whether the indictment was unconstitutional under *New York State Rifle & Pistol Assn., Inc. v. Bruen*.
4. Whether the challenge to the large-capacity ammunition-feeding-device charge was moot because defendant was not convicted of that offense.
5. Whether defendant could raise on direct appeal an ineffective-assistance claim based on counsel's failure to make a Second Amendment challenge.
6. Whether counsel's failure to challenge New York's good-moral-character provision deprived defendant of effective assistance.

HOLDINGS

1. A valid waiver of the right to appeal forecloses review of defendant's excessive-sentence claim; independently, the court found no basis to reduce the sentence.
2. The valid appeal waiver did not foreclose review of defendant's challenge to the constitutionality of New York's firearm licensing scheme, and defendant had standing to raise that challenge.
3. Defendant's Second Amendment challenge was unpreserved, and the court declined to review it in the interest of justice. Alternatively, defendant failed to establish that the indictment was unconstitutional under *New York State Rifle & Pistol Assn., Inc. v. Bruen*.
4. Defendant's constitutional challenge to the indictment based on the large-capacity ammunition-feeding-device charge was unpreserved, and the claim was also moot because defendant was not convicted of that offense.
5. The ineffective-assistance claim was unreviewable on direct appeal because it involved matters outside the record and had to be raised in a CPL 440.10 motion. Alternatively, to the extent the record permitted review, defendant was not deprived of effective assistance by counsel's failure to challenge New York's good-moral-character provision.

KEY QUOTATIONS

“Defendant's valid appeal waiver does not foreclose from review his challenge to the constitutionality of New York's firearm licensing scheme, and he has standing to raise that claim”

“Defendant's contention that his counsel rendered ineffective assistance in failing to raise his Second Amendment challenge is unreviewable on direct appeal as it involves matters not reflected in the record, and it must be raised in a CPL 440.10 motion”

FACTUAL BACKGROUND

Defendant pleaded guilty to attempted criminal possession of a weapon in the second degree and received a three-year sentence. On appeal, he challenged the sentence, New York's firearm licensing scheme, the constitutionality of the indictment, and counsel's failure to raise a Second Amendment challenge. The indictment also included a charge concerning possession of large-capacity ammunition feeding devices, but defendant was not convicted of that offense.

PROCEDURAL HISTORY

The Supreme Court, Bronx County, convicted defendant upon his plea of guilty and sentenced him to three years' imprisonment. On direct appeal, defendant challenged his sentence, the constitutionality of New York's firearm licensing scheme and indictment, and the effectiveness of counsel. The Appellate Division unanimously affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Thomas, 34 NY3d 545, 559 (2019), cert. denied, 589 US 1302 (2020)
- People v. Pineda, 232 AD3d 554, 554 (1st Dept 2024), lv denied, 43 NY3d 965 (2025)
- People v. Johnson, — NY3d —, —, 2025 NY Slip Op 06528, *2 (2025)
- People v. Cabrera, 41 NY3d 35, 42-51 (2023)
- People v. Watts, 234 AD3d 620, 621 (1st Dept 2025), lv denied, 43 NY3d 1059 (2025)
- New York State Rifle & Pistol Assn., Inc. v. Bruen, 597 US 1 (2022)
- People v. Ruiz, 146 AD3d 417, 417 (1st Dept 2017), lv denied, 28 NY3d 1188 (2017)
- People v. Martinez, 231 AD3d 448, 449 (1st Dept 2024), lv denied, 42 NY3d 1081 (2025)
- People v. Caban, 5 NY3d 143, 152 (2005)

OPINION

People v. Robles 2026 NY Slip Op 01741

PER CURIAM.

People v Robles (2026 NY Slip Op 01741) People v Robles 2026 NY Slip Op 01741 Decided on March 24, 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 24, 2026 Before: Manzanet-Daniels, J.P., Shulman, Rodriguez, Higgitt, Rosado, JJ. Ind. No. 72175/23|Appeal No. 6185|Case No. 2024-06777| [*1]The People of the State of New York, Respondent, v Saint Robles, Appellant. Jenay Nurse Guilford, Center for Appellate Litigation, New York (Abigail Everett of counsel), for appellant. Darcel D. Clark, District Attorney, Bronx (David M. Cohn of counsel), for respondent. Judgment, Supreme Court, Bronx County (Jeffrey M. Zimmerman, J.), rendered October 10, 2024, convicting defendant, upon his plea of guilty, of attempted criminal possession of a weapon in the second degree, and sentencing him to a term of three years, unanimously affirmed. Defendant validly waived his right to appeal (see *People v Thomas* , 34 NY3d 545 , 559 [2019], cert denied 589 US 1302 [2020]), which forecloses review of his excessive sentence claim (see *People v Pineda* , 232 AD3d 554 , 554 [1st Dept 2024], lv denied 43 NY3d 965 [2025]). In any event, we perceive no basis for reducing the sentence. Defendant's valid appeal waiver does not foreclose from review of his challenge to the constitutionality of New York's firearm licensing scheme, and he has standing to raise that claim (see *People v Johnson* , — NY3d —, —, 2025 NY Slip Op 06528, *2 [2025]). However, defendant's Second Amendment challenge is unpreserved (see *People v Cabrera* , 41 NY3d 35 , 42-51 [2023]; *People v Watts* , 234 AD3d 620 , 621 [1st Dept 2025], lv denied 43 NY3d 1059 [2025]), and we decline to review it in the interest of justice. As an alternative holding, we find that defendant has failed to establish that the instant indictment is unconstitutional under *New York State Rifle & Pistol Assn., Inc. v Bruen* (597 US 1 [2022]). Defendant also failed to preserve any challenge to the constitutionality of the indictment based on the charge of Penal Law § 265.02(8), which prohibits the possession of large-capacity ammunition feeding devices (see *Cabrera* , 41 NY3d at 42-51; *Watts* , 234 AD3d at 621), and we decline to review such claim in the interest of justice. In any event, this challenge is moot because defendant was not convicted of that offense (see *People v Ruiz* , 146 AD3d 417, 417 [1st Dept 2017], lv denied 28 NY3d 1188 [2017]). Defendant's contention that his counsel rendered ineffective assistance in failing to raise his Second Amendment challenge is unreviewable on direct appeal as it involves matters not reflected in the record, and it must be raised in a CPL 440.10 motion (see *People v Martinez* , 231 AD3d 448 , 449 [1st Dept 2024], lv denied 42 NY3d 1081 [2025]). As an alternative holding, and to the extent the record allows review, we find that he was not deprived of the effective assistance of counsel by counsel's failure to challenge New York's good moral character provision (see *People v Caban* , 5 NY3d 143, 152 [2005]). THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: March 24, 2026