

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FIRST DEPARTMENT

People v. Grant

2026 NY Slip Op 03082 · No. Ind No. 73722/23; Appeal No. 6633; Case No. 2024-06778 · Decided May 14,
2026

SUMMARY

The Appellate Division, First Department, modified the defendant's judgment of conviction by striking the probation condition requiring payment of the mandatory surcharge and associated fees, and otherwise affirmed. The court upheld the validity of the defendant's appeal waiver and rejected or declined to review several constitutional challenges concerning firearm licensing and probation conditions. It also upheld other probation conditions, including restrictions concerning associations, curfew, substance testing, and employment or vocational training.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Manzanet-Daniels, J.P.; Kennedy, J.; Friedman, J.; Gesmer, J.; Rosado, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	May 14, 2026
DOCKET	Ind No. 73722/23; Appeal No. 6633; Case No. 2024-06778
DISPOSITION	modified_and_affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Supreme Court, Bronx County, entered after his guilty plea and sentencing for criminal possession of a weapon in the fourth degree.
STANDARD OF REVIEW	The court reviewed preserved and legally cognizable sentencing challenges, considered unpreserved constitutional claims only in the interest of justice, and reviewed the legality and reasonableness of probation conditions under the applicable sentencing law.
PRECEDENTIAL VALUE	published
PARTIES	Jeremy Grant, Defendant-Appellant v. The People of the State of New York, Respondent

TOPICS

probation sentencing appellate procedure preservation of error second amendment

PRACTICE AREAS

criminal law criminal procedure sentencing and probation constitutional law

QUESTIONS PRESENTED

1. Whether defendant's waiver of the right to appeal was valid and what claims remained reviewable despite the waiver.
2. Whether defendant's facial Second Amendment challenge to the indictment and firearm-licensing provisions was reviewable and meritorious.
3. Whether defendant's as-applied and facial constitutional challenges to probation condition 7 were reviewable despite the appeal waiver and lack of preservation.
4. Whether defendant's challenges to the good-moral-character and felon-in-possession provisions were preserved or otherwise meritorious.
5. Whether probation conditions 7, 9, 10, 13, and 15 were legally and factually justified.

HOLDINGS

1. Defendant validly waived his right to appeal, and the waiver foreclosed review of his excessive-sentence claim and his as-applied constitutional challenges to probation condition 7, while claims that remained legally reviewable notwithstanding the waiver were not foreclosed.
2. The appeal waiver did not foreclose defendant's facial Second Amendment challenge, and defendant had standing to challenge the facial constitutionality of the state's firearm-licensing scheme despite not applying for a license; the challenge nevertheless failed on the merits.
3. The appeal waiver foreclosed review of defendant's as-applied First Amendment and due-process vagueness challenges to condition 7. Facial constitutional challenges survived the waiver but were unpreserved, and the court declined to reach them in the interest of justice.
4. Defendant's challenges to Penal Law § 400.00(1)(b) and (c) were unpreserved because he did not raise them in his motion to dismiss the indictment, and the court declined to review them in the interest of justice. Alternatively, the court rejected the challenges on the merits.
5. Nonconstitutional challenges to probation conditions survive a valid appeal waiver and do not require preservation when they implicate the legality of the sentence imposed.
6. Conditions 7, 9, 13, and 15 were reasonably necessary and properly imposed based on defendant's possession of a loaded pistol, daily marijuana use, association with negative peers, open drug-sale case, employment circumstances, and vocational plans.
7. Probation condition 10, requiring defendant to pay the mandatory surcharge and associated fees imposed at sentencing, lacked a legal basis and was stricken.

KEY QUOTATIONS

*“Defendant validly waived his right to appeal.” (*1)*

*“However, no basis exists for condition 10, which requires defendant to pay the mandatory surcharge and fees imposed at the time of sentencing. Accordingly, condition 10 is stricken” (*2)*

FACTUAL BACKGROUND

Defendant pleaded guilty to criminal possession of a weapon in the fourth degree after possessing a loaded pistol. At sentencing, he admitted to daily marijuana use, association with negative peers, and an open case involving the sale of controlled substances. He worked off the books and planned to open an auto-mechanic business; the sentencing court imposed multiple probation conditions, including restrictions on associations, a possible curfew, substance testing, payment of mandatory surcharges and fees, and employment or vocational-training requirements.

PROCEDURAL HISTORY

The Supreme Court, Bronx County, convicted defendant upon his guilty plea and sentenced him to three years of probation on October 18, 2024. The Appellate Division unanimously modified the judgment by striking the probation condition requiring payment of the mandatory surcharge and associated fees, and otherwise affirmed.

DISPOSITION

modified_and_affirmed

CASES CITED

- People v. Thomas, 34 NY3d 545, 567 (2019), cert. denied, 589 U.S. 1302 (2020)
- People v. Jackson, 244 AD3d 547, 548 (1st Dept. 2025)
- New York State Rifle & Pistol Assn., Inc. v. Bruen, 597 U.S. 1 (2022)
- People v. Johnson, 2025 NY Slip Op 06528, *2 (2025)
- People v. Guzman, 237 AD3d 570, 571 (1st Dept. 2025)
- People v. Lombard, 241 AD3d 1126, 1126 (1st Dept. 2025)
- People v. Cabrera, 41 NY3d 35, 42 (2023)
- People v. Martinez, 238 AD3d 423, 424 (1st Dept. 2025)
- Zherka v. Bondi, 140 F.4th 68, 75 (2d Cir. 2025), cert. denied, — U.S. — (2026)
- People v. Alvarez, 233 AD3d 619, 620 (1st Dept. 2024)
- People v. Lowndes, 239 AD3d 574, 575 (1st Dept. 2025)
- People v. Rosavong, 245 AD3d 482, 483 (1st Dept. 2026)
- People v. Holman, 2026 NY Slip Op 02463 (1st Dept. 2026)
- People v. Percy, 234 AD3d 619, 620 (1st Dept. 2025)

OPINION

PER CURIAM.

People v Grant - 2026 NY Slip Op 03082 skip to main content It appears you are using Adblock. Please disable Adblock to best experience our website. Law Reporting Bureau Thomas J.K. Smith, State Reporter Court Decisions Resources About Home All Court Decisions Decisions People v Grant 2026 NY Slip Op 03082 May 14, 2026 Appellate Division, First Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431.

This decision is uncorrected and subject to revision before publication in the Official Reports. The People of the State of New York, Respondent, v Jeremy Grant, Defendant-Appellant. Decided and Entered: May 14, 2026 Ind No. 73722/23|Appeal No. 6633|Case No. 2024-06778| Before: Manzanet-Daniels, J.P., Kennedy, Friedman, Gesmer, Rosado, JJ. Jenay Nurse Guilford, Center for Appellate Litigation, New York (Leanna J. Duncan of counsel), for appellant.

Darcel D. Clark, District Attorney, Bronx (Lindsey Richards of counsel), for respondent. [*1] Judgment, Supreme Court, Bronx County (Seth Steed, J.), rendered October 18, 2024, convicting defendant, upon his plea of guilty, of criminal possession of a weapon in the fourth degree, and sentencing him to a term of three years of probation, unanimously modified, on the law, to the extent of striking the condition of probation requiring him to pay the mandatory surcharge and associated fees, and otherwise affirmed.

Defendant validly waived his right to appeal. The court's explanation tracked the model colloquy the Court of Appeals endorsed in *People v Thomas* (34 NY3d 545, 567 [2019], cert denied 589 US 1302 [2020]). "The record does not support defendant's contention that the court misled him as to his right to counsel on any appeal of the limited issues he was still entitled to pursue notwithstanding the waiver" (*People v Jackson*, 244 AD3d 547, 548 [1st Dept 2025]).

Defendant's valid waiver forecloses review of his excessive sentence claim. In any event, we perceive no basis for reducing the sentence. Defendant's valid waiver does not foreclose review of his facial Second Amendment claim pursuant to *New York State Rifle & Pistol Assn., Inc. v Bruen* (597 US 1 [2022]) (*People v Johnson*, — NY3d —, 2025 NY Slip Op 06528, *2 [2025]).

Additionally, defendant has "standing to challenge the facial constitutionality of the state's firearm licensing scheme, notwithstanding his failure to apply for a license" (*id.* at *2). On the merits, defendant has failed to establish that the indictment is unconstitutional (see e.g. *People v Guzman*, 237 AD3d 570, 571 [1st Dept 2025], lv denied 44 NY3d 993 [2025]).

Defendant's waiver of his right to appeal forecloses review of his as-applied constitutional challenges to probation condition 7 under the First Amendment and the vagueness doctrine of due process under the Fifth and Fourteenth Amendments (see *People v Lombard*, 241 AD3d 1126, 1126 [1st Dept 2025]).

To the extent that he asserts facial constitutional challenges to condition 7, his claims survive his appeal waiver (see Johnson, 2025 NY Slip Op 06528 at *2). However, his constitutional challenges are unpreserved because he did not raise them before the trial court (see People v Cabrera, 41 NY3d 35, 42 [2023]), and we decline to reach them in the interest of justice.

To the extent that defendant challenges the "good moral character" and felon-in-possession provisions (Penal Law § 400.00[1][b], [c]), his arguments are unpreserved because he failed to raise them in his motion to dismiss the indictment, and we decline to review them in the interest of justice (see People v Martinez, 238 AD3d 423, 424 [1st Dept 2025], lv denied 44 NY3d 1067 [2026]).

As an alternative holding, we reject them on the merits (see Guzman, 237 AD3d at 571; see also Zherka v Bondi, 140 F4th 68, 75 [2d Cir 2025], cert denied — US — [2026]). [*2] Defendant's non-constitutional challenges to his probation conditions survive a valid waiver of the right to appeal and do not require preservation because the "issue implicates the legality of the sentence imposed" (People v Alvarez, 233 AD3d 619, 620 [1st Dept 2024], lv denied 43 NY3d 961 [2025]).

Defendant possessed a loaded pistol and admitted to the Department of Probation that he smoked marijuana daily and associated with negative peers. Accordingly, the sentencing court "providently deemed [condition 7] reasonably necessary to insure that the defendant will lead a law-abiding life" and found that imposing condition 7 would "assist him to do so" (People v Lowndes, 239 AD3d 574, 575 [1st Dept 2025] [internal quotation marks omitted], lv denied 44 NY3d 1012 [2025]).

Defendant's association with negative peers and regular marijuana use also justified imposition of condition 9, which permitted his probation officer to impose a curfew. Additionally, since defendant admitted to daily marijuana use and had an open case at the time of sentencing for selling controlled substances, the court also properly imposed condition 15, which required defendant to submit to testing for "alcohol and illegal substances" (Penal Law § 65.10[2][e]) (see People v Rosavong, 245 AD3d 482, 483 [1st Dept 2026]).

However, no basis exists for condition 10, which requires defendant to pay the mandatory surcharge and fees imposed at the time of sentencing. Accordingly, condition 10 is stricken (see People v Holman, AD3d, 2026 NY Slip Op 02463 [1st Dept 2026]; People v Percy, 234 AD3d 619, 620 [1st Dept 2025]).

We note that the People do not oppose this relief. Given that defendant worked off the books and planned to open his own auto mechanic business, the court providently determined that imposition of condition 13, requiring him to maintain "suitable employment, or pursue a course of study or vocational training approved by the Department of Probation," and to "[s]ubmit proof of such

employment, study or training as directed by the Department of Probation," was "reasonably necessary to insure" that he led "a law-abiding life" (Penal Law §§ 65.10[1], [2][c]).

THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: May 14, 2026 Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.

PER CURIAM.

People v Grant - 2026 NY Slip Op 03082 skip to main content <p>It appears you are using Adblock. Please disable Adblock to best experience our website.</p><div><header><div></div><div>Law Reporting
Bureau Thomas J.K.

Smith, State Reporter <nav> Court Decisions Resources About </nav> <div></div></header></div><nav>HomeAll Court DecisionsDecisions</nav><div><div><h1>People v Grant</h1><p>2026 NY Slip Op 03082</p><p>May 14, 2026</p><p>Appellate Division, First Department</p><p>Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431.</p><p>This decision is uncorrected and subject to revision before publication in the Official Reports.</p><div><p>The People of the State of New York, Respondent,</p><p>v</p><p>Jeremy Grant, Defendant-Appellant.</p></div><p>Decided and Entered: May 14, 2026</p><p>Ind No. 73722/23|Appeal No. 6633|Case No. 2024-06778</p><p>Before: Manzanet-Daniels, J.P., Kennedy, Friedman, Gesmer, Rosado, JJ. </p><div><p>Jenay Nurse Guilford, Center for Appellate Litigation, New York (Leanna J. Duncan of counsel), for appellant.</p><p>Darcel D. Clark, District Attorney, Bronx (Lindsey Richards of counsel), for respondent.</p></div>[*1]<p>Judgment, Supreme Court, Bronx County (Seth Steed, J.), rendered October 18, 2024, convicting defendant, upon his plea of guilty, of criminal possession of a weapon in the fourth degree, and sentencing him to a term of three years of probation, unanimously modified, on the law, to the extent of striking the condition of probation requiring him to pay the mandatory surcharge and associated fees, and otherwise affirmed.</p><p>Defendant validly waived his right to appeal.

The court's explanation tracked the model colloquy the Court of Appeals endorsed in *People v Thomas* (34 NY3d 545, 567 [2019], *cert denied* 589 US 1302 [2020]). "The record does not support defendant's contention that the court misled him as to his right to counsel on any

appeal of the limited issues he was still entitled to pursue notwithstanding the waiver" (*People v Jackson*, 244 AD3d 547, 548 [1st Dept 2025]).

Defendant's valid waiver forecloses review of his excessive sentence claim. In any event, we perceive no basis for reducing the sentence. Defendant's valid waiver does not foreclose review of his facial Second Amendment claim pursuant to *New York State Rifle & Pistol Assn., Inc. v Bruen* (597 US 1 [2022]) (*People v Johnson*, — NY3d —, 2025 NY Slip Op 06528, *2 [2025]).

Additionally, defendant has "standing to challenge the facial constitutionality of the state's firearm licensing scheme, notwithstanding his failure to apply for a license" (*id.* at *2). On the merits, defendant has failed to establish that the indictment is unconstitutional (*see e.g. People v Guzman*, 237 AD3d 570, 571 [1st Dept 2025], *lv denied* 44 NY3d 993 [2025]). Defendant's waiver of his right to appeal forecloses review of his as-applied constitutional challenges to probation condition 7 under the First Amendment and the vagueness doctrine of due process under the Fifth and Fourteenth Amendments (*see People v Lombard*, 241 AD3d 1126, 1126 [1st Dept 2025]).

To the extent that he asserts facial constitutional challenges to condition 7, his claims survive his appeal waiver (*see Johnson*, 2025 NY Slip Op 06528 at *2). However, his constitutional challenges are unpreserved because he did not raise them before the trial court (*see People v Cabrera*, 41 NY3d 35, 42 [2023]), and we decline to reach them in the interest of justice. To the extent that defendant challenges the "good moral character" and felon-in-possession provisions (Penal Law § 400.00[1][b], [c]), his arguments are unpreserved because he failed to raise them in his motion to dismiss the indictment, and we decline to review them in the interest of justice (*see People v Martinez*, 238 AD3d 423, 424 [1st Dept 2025], *lv denied* 44 NY3d 1067 [2026]).

As an alternative holding, we reject them on the merits (*see Guzman*, 237 AD3d at 571; *see also Zherka v Bondi*, 140 F4th 68, 75 [2d Cir 2025], *cert denied* — US — [2026]). * Defendant's non-constitutional challenges to his probation conditions survive a valid waiver of the right to appeal and do not require preservation because the "issue implicates the legality of the sentence imposed" (*People v Alvarez*, 233 AD3d 619, 620 [1st Dept 2024], *lv denied* 43 NY3d 961 [2025]).

Defendant possessed a loaded pistol and admitted to the Department of Probation that he smoked marijuana daily and associated with negative peers. Accordingly, the sentencing court "providently deemed [condition 7] reasonably necessary to insure that the defendant will lead a law-abiding life" and found that imposing condition 7 would "assist him to do so" (*People v Lowndes*, 239 AD3d 574, 575 [1st Dept 2025] [internal quotation marks omitted], *lv denied* 44 NY3d 1012 [2025]).

Defendant's association with negative peers and regular marijuana use also justified imposition of condition 9, which permitted his probation officer to impose a curfew. Additionally, since defendant admitted to daily marijuana use and had an open case at the time of sentencing for selling controlled substances, the court also properly imposed condition 15, which required defendant to submit to testing for "alcohol and illegal substances" (Penal Law § 65.10[2][e]) (*see People v Rosavong*, 245 AD3d 482, 483 [1st Dept 2026]). However, no basis exists for condition 10, which requires defendant to pay the mandatory surcharge and fees imposed at the time of sentencing.

Accordingly, condition 10 is stricken (*see People v Holman*, AD3d, 2026 NY Slip Op 02463 [1st Dept 2026]; *People v Percy*, 234 AD3d 619, 620 [1st Dept 2025]). We note that the People do not oppose this relief. Given that defendant worked off the books and planned to open his own auto mechanic business, the court providently determined that imposition of condition 13, requiring him to maintain "suitable employment, or pursue a course of study or vocational training approved by the Department of Probation," and to "[s]ubmit proof of such employment, study or training as directed by the Department of Probation," was "reasonably necessary to insure" that he led "a law-abiding life" (Penal Law §§ 65.10[1], [2][c]).

THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: May 14, 2026

Court Decisions

All Court Decisions Official Reports Service Bound Volumes Decision Search

Resources

RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index

About

About the Law Reporting Bureau About our Operations Contact Us Twitter

Quick Contact Info

17 Lodge Street
Albany, NY 12207
Phone: (518) 453-6900

Links to or from other sites do not signify endorsement or relationship with them.