

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

People v. Denzel L.

2026 NY Slip Op 01989 · No. 2022-10457, 2022-10459 · Decided April 1, 2026

SUMMARY

The Appellate Division, Second Department, affirmed judgments adjudicating Denzel L. a youthful offender after guilty pleas to criminal possession of a firearm and criminal possession of a weapon in the second degree. The court held that the defendant's constitutional challenge under New York State Rifle & Pistol Assn., Inc. v. Bruen was unpreserved and, in any event, meritless, and upheld probation conditions prohibiting firearm possession and permitting probation searches.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Betsy Barros, J.P.; Valerie Brathwaite Nelson, J.; Barry E. Warhit, J.; Elena Goldberg Velazquez, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	April 1, 2026
DOCKET	2022-10457, 2022-10459
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from two judgments of the Supreme Court, Kings County, adjudicating him a youthful offender after guilty pleas to criminal possession of a firearm and criminal possession of a weapon in the second degree and imposing sentences of probation.
STANDARD OF REVIEW	Constitutional challenge reviewed for preservation and, alternatively, on the merits; probation conditions reviewed for whether they were reasonably necessary, reasonably related to rehabilitation, or individually tailored to the offenses and defendant's circumstances; sentence reviewed for excessiveness.
PRECEDENTIAL VALUE	Published
PARTIES	Denzel L. (Anonymous) v. The People of the State of New York

TOPICS

probation

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preservation of error

appellate procedure

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the defendant's constitutional challenge to Penal Law §§ 265.03(3), 265.01-b(1), and 265.01(1), and Administrative Code of the City of New York § 10-131(i)(3), under *New York State Rifle & Pistol Assn., Inc. v. Bruen* was preserved for appellate review.
2. Whether the challenged New York firearm and weapons statutes are unconstitutional on their face under *Bruen* and whether the alleged unconstitutionality rendered the indictments defective.
3. Whether probation conditions prohibiting firearm possession and authorizing probation-officer searches were properly imposed because they were individually tailored to the defendant's weapon-possession offenses and reasonably related to rehabilitation or lawful conduct.
4. Whether the sentences imposed were excessive.

HOLDINGS

1. The defendant's constitutional challenge to the firearm and weapons statutes was unpreserved because he failed to raise the challenge before the Supreme Court.
2. Even if reached on the merits, the defendant's constitutional challenge lacked merit; the statutory scheme was not invalid on its face, and *Bruen* did not affect the constitutionality of New York's criminal possession of a weapon statutes.
3. The probation conditions prohibiting firearm possession or purchase and requiring consent to probation-officer searches were properly imposed.
4. The sentences imposed were not excessive.

KEY QUOTATIONS

"The Bruen decision had no impact on the constitutionality of New York State's criminal possession of a weapon statutes" ([*1])

"Therefore, sentencing courts may require a defendant to consent to searches by his or her probation officer for weapons, illegal drugs, or other contraband so long as the condition is 'individually tailored in relation to the offense' and 'the defendant's particular circumstances, including his or her background, history, and proclivities'" ([*2])

FACTUAL BACKGROUND

The defendant pleaded guilty in two cases to criminal possession of a firearm and criminal possession of a weapon in the second degree and was adjudicated a youthful offender. The sentencing court imposed probation

conditions prohibiting him from possessing or purchasing a gun and requiring him to consent to searches of his person, vehicle, or residence by a probation officer. The Appellate Division treated the weapon-related nature of the convictions as supporting the challenged probation conditions.

PROCEDURAL HISTORY

The Supreme Court, Kings County, rendered both judgments on November 22, 2022. On appeal, the defendant challenged the constitutionality of the New York firearm and weapons statutes under *New York State Rifle & Pistol Assn., Inc. v. Bruen*, challenged the probation conditions prohibiting firearm possession and permitting probation-officer searches, and argued that the sentences were excessive. The Appellate Division affirmed both judgments, concluding that the constitutional challenge was unpreserved and meritless, the probation conditions were properly tailored, and the sentences were not excessive.

DISPOSITION

affirmed

CASES CITED

- *New York State Rifle & Pistol Assn., Inc. v. Bruen*, 597 US 1
- *People v. Cabrera*, 41 NY3d 35, 42
- *People v. Thompson*, 239 AD3d 774, 774-775
- *People v. Johnson*, ___ NY3d ___, 2025 NY Slip Op 06528
- *People v. Emmanuel D.*, 238 AD3d 1068, 1069
- *People v. Gibson*, 244 AD3d 751, 752
- *People v. Mantilla*, 236 AD3d 925, 926
- *People v. Grandstand*, 236 AD3d 817, 818
- *People v. Rogers*, 235 AD3d 781
- *People v. Suitte*, 90 AD2d 80

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