

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

second amendment

preservation of error

appellate procedure

criminal procedure

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

OPINION

PER CURIAM.

People v Denzel L. - 2026 NY Slip Op 01989 skip to main content

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People v Denzel

L. 2026 NY Slip Op 01989 April 1, 2026 Appellate Division, Second 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 Denzel L. (Anonymous), appellant.

(Ind. Nos. 73245/21, 75501/21) Supreme Court of the State of New York, Appellate Division, Second Judicial Department Decided on April 1, 2026 2022-10457, 2022-10459 Betsy Barros, J.P. Valerie Brathwaite Nelson Barry E. Warhit Elena Goldberg Velazquez, JJ. Patricia Pazner, New York, NY (Victoria L. Benton of counsel), for appellant. Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove, Jean M. Joyce, and Ann Bordley of counsel), for respondent. DECISION & ORDER Appeals by the defendant from (1) a judgment of the Supreme Court, Kings County (Heidi Cesare, J.), rendered November 22, 2022, adjudicating him a youthful offender, upon his plea of guilty to criminal possession of a firearm under Indictment No. 73245/21, and imposing sentence, and (2) a judgment of the same court rendered November 22, 2022, adjudicating him a youthful offender, upon his plea of guilty to criminal possession of a weapon in the second degree under Indictment No. 73501/21, and imposing sentence. ORDERED that the judgments are affirmed. The defendant's contention that 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) are unconstitutional in light of the decision of the United States Supreme Court in *New York State Rifle & Pistol Assn., Inc. v Bruen* (597 US 1), and that the indictment was thus defective, is unpreserved for appellate review, since he failed to raise a constitutional challenge before the Supreme Court (*see* *People v Cabrera*, 41 NY3d 35, 42; *People v Thompson*, 239 AD3d 774, 774).

In any event, the defendant's contention is without merit. The statutory scheme is not invalid on its face (*see* *People v Johnson*, ___ NY3d ___, 2025 NY Slip Op 06528), and "[t]he *Bruen* decision had no impact on the constitutionality of New York State's criminal possession of a weapon statutes" (*People v Thompson*, 239 AD3d at 774-775; *see* *People v Emmanuel D.*, 238 AD3d 1068, 1069). As part of the sentences of probation imposed on the defendant, the Supreme Court imposed conditions of probation, including prohibiting him from possessing or purchasing a gun (hereinafter Condition No. 11) and requiring him to consent to a search by a probation officer of his person, vehicle, or place of abode (hereinafter Condition No. 28). "Generally, the conditions of probation 'shall be such as the court, in its discretion, deems reasonably necessary to insure that the defendant will lead a law-abiding life or to assist him [or her] to do so' (Penal Law § 65.10[1])" (*People v Gibson*, 244 AD3d 751, 752).

"In addition to specific conditions enumerated in the statute, the court may, in its discretion, impose 'any other conditions reasonably related to [the defendant's] rehabilitation' ([Penal Law] § 65.10[2][1]) and *'any other reasonable condition as the court shall determine to be necessary or appropriate to ameliorate the conduct which gave rise to the offense or to prevent the incarceration of the defendant' (*id.* § 65.10[5])" (*id.*).

"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'" (*id.*, quoting *People v Mantilla*, 236 AD3d 925, 926).
Here, the offenses of which the defendant was convicted involved the possession of weapons.

Condition No. 11 and Condition No. 28 were properly imposed as they were individually tailored in relation to the underlying offenses of criminal possession of a firearm and criminal possession of a weapon in the second degree and were therefore reasonably related to the defendant's rehabilitation or necessary to ensure that the defendant will lead a law-abiding life (*see* *People v Grandstand*, 236 AD3d 817, 818; *People v Rogers*, 235 AD3d 781).
The sentences imposed were not excessive (*see* *People v Suitte*, 90 AD2d 80).
BARROS, J.P., BRATHWAITE NELSON, WARHIT and GOLDBERG VELAZQUEZ, JJ., concur.
ENTER:
Darrell M. Joseph
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