

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

People v. Williams

2026 NY Slip Op 01135 (N.Y. Ct. App. 2026) · No. Ind. Nos. 76084/23, 71530/23; Appeal Nos. 5958-5959; Case Nos. 2025-01158, 2024-02316 · Decided February 26, 2026

SUMMARY

The New York Supreme Court, Appellate Division, First Department affirmed a Bronx County judgment convicting Malachi Williams of attempted criminal possession of a weapon in the second degree and modified a New York County judgment by vacating sentencing surcharges and fees. The court held that Williams had standing to challenge New York's firearm-licensing restriction for persons under 21 but rejected his constitutional challenge, finding certain other challenges unpreserved and one moot.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, First Department
WRITING FOR THE COURT	Manzanet-Daniels, J.P.; Moulton, J.; Gesmer, J.; Mendez, J.; Michael, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	February 26, 2026
DOCKET	Ind. Nos. 76084/23, 71530/23; Appeal Nos. 5958-5959; Case Nos. 2025-01158, 2024-02316
DISPOSITION	other
PROCEDURAL POSTURE	Defendant appealed two criminal judgments: one from Supreme Court, New York County, following a guilty plea and convictions for robbery in the third degree and attempted identity theft in the first degree; and one from Supreme Court, Bronx County, following a conviction for attempted criminal possession of a weapon in the second degree.
STANDARD OF REVIEW	The court reviewed preserved constitutional challenges on the merits, treated unraised challenges as unpreserved, considered mootness, and exercised its discretion in the interest of justice to vacate the surcharge and fees.

PRECEDENTIAL VALUE	Published
PARTIES	Malachi Williams, Defendant-Appellant v. The People of the State of New York, Respondent

TOPICS

second amendment criminal procedure preservation of error mootness remedies

PRACTICE AREAS

criminal law constitutional law appellate practice firearms law sentencing

QUESTIONS PRESENTED

1. Whether defendant had standing to challenge New York's prohibition on persons under 21 obtaining a firearm license even though he had never applied for a license.
2. Whether defendant established that the indictment or relevant firearm restrictions were unconstitutional under New York State Rifle & Pistol Assn., Inc. v. Bruen.
3. Whether defendant's challenges to the good-moral-character licensing provision and the large-capacity-magazine ban were preserved for appellate review.
4. Whether the challenge to the large-capacity-magazine ban was moot because defendant was not convicted of that count.
5. Whether the court should exercise its interest-of-justice authority to vacate the surcharge and fees imposed at sentencing.

HOLDINGS

1. Defendant had standing to challenge the constitutionality of New York's prohibition on persons under 21 obtaining a firearm license, despite never having applied for a firearm license.
2. Defendant failed to establish that the indictment was unconstitutional under New York State Rifle & Pistol Assn., Inc. v. Bruen.
3. Defendant's challenges to Penal Law § 400.00(1)(b) and Penal Law § 265.02(8) were unpreserved because he failed to raise them in his motion to dismiss the indictment, and the court declined to review them in the interest of justice.
4. The challenge to New York's large-capacity-magazine ban was moot because defendant was not convicted of that count.
5. The court vacated the surcharge and fees imposed at sentencing under indictment No. 76084/23 in the interest of justice and otherwise affirmed the judgment.

KEY QUOTATIONS

“Defendant has standing to raise his challenge to the constitutionality of New York’s prohibition on those under 21 years old from obtaining a firearm license, notwithstanding that he never applied to obtain a firearm

license.” (*1)

“On the merits, 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]).” (*1)

FACTUAL BACKGROUND

Defendant was convicted in New York County, upon a guilty plea, of robbery in the third degree and attempted identity theft in the first degree and received concurrent 364-day jail terms. In a separate Bronx County case, he was convicted of attempted criminal possession of a weapon in the second degree and received a concurrent one-year jail term. He challenged New York's restrictions concerning firearm licensing for persons under 21, the statutory good-moral-character requirement, and the ban on large-capacity magazines.

PROCEDURAL HISTORY

Supreme Court, New York County, rendered judgment on April 18, 2024, imposing concurrent 364-day jail terms after defendant's guilty plea. Supreme Court, Bronx County, rendered judgment on March 28, 2024, imposing a one-year concurrent jail term. The First Department modified the New York County judgment by vacating the surcharge and fees and otherwise affirmed that judgment; it affirmed the Bronx County judgment.

DISPOSITION

other

CASES CITED

- *People v. Johnson*, — N.Y.3d —, —, 2025 NY Slip Op 06528, *3 (2025)
- *New York State Rifle & Pistol Assn., Inc. v. Bruen*, 597 U.S. 1 (2022)
- *People v. Cabrera*, 41 N.Y.3d 35, 42-51 (2023)
- *People v. Watts*, 234 A.D.3d 620, 621 (1st Dep't 2025), lv denied 43 N.Y.3d 1059 (2025)
- *People v. Ruiz*, 146 A.D.3d 417, 417 (1st Dep't 2017), lv denied 28 N.Y.3d 1188 (2017)
- *People v. Chirinos*, 190 A.D.3d 434, 435 (1st Dep't 2021)

OPINION

PER CURIAM.

People v Williams (2026 NY Slip Op 01135) *People v Williams* 2026 NY Slip Op 01135 Decided on February 26, 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: February 26, 2026 Before: Manzanet-Daniels, J.P., Moulton, Gesmer, Mendez, Michael, JJ. Ind No. 76084/23 71530/23|Appeal No. 5958-5959|Case No. 2025-01158 2024-02316| [*1]The People of the State of New York, Respondent, v Malachi Williams, Defendant-Appellant.

Jenay Nurse Guilford, Center for Appellate Litigation, New York (Alec D. Miran of counsel), for appellant. Darcel D. Clark, District Attorney, Bronx (Emily A. Aldridge of counsel), for respondent. Judgment, Supreme Court, New York County (April A. Newbauer, J.), rendered April 18, 2024, convicting defendant, upon his plea of guilty, of robbery in the third degree and attempted identity theft in the first degree under indictment No. 76084/23, and sentencing him to concurrent jail terms of 364 days, unanimously modified, as a matter of discretion in the interest of justice, to the extent of vacating the surcharge and fees imposed at sentencing, and otherwise affirmed.

Judgment, Supreme Court, Bronx County (Steven J. Hornstein, J.), rendered March 28, 2024, convicting defendant of attempted criminal possession of a weapon in the second degree under indictment No. 71530/23, and sentencing him to a jail term of one year, to run concurrently with the above judgment, unanimously affirmed. Defendant has standing to raise his challenge to the constitutionality of New York's prohibition on those under 21 years old from obtaining a firearm license, notwithstanding that he never applied to obtain a firearm license (see *People v Johnson*, — NY3d —, —, 2025 NY Slip Op 06528, *3 [2025]).

On the merits, 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's challenges to the "good moral character" provision in Penal Law § 400.00(1)(b) and New York's ban on large-capacity magazines (Penal Law § 265.02[8]) are unpreserved because he failed to raise them in his motion to dismiss the indictment (see *People v Cabrera*, 41 NY3d 35, 42-51 [2023]), and we decline to review them in the interest of justice.

In any event, the latter challenge is moot because defendant was not convicted of that count (see *People v Watts*, 234 AD3d 620, 621 [1st Dept 2025], lv denied 43 NY3d 1059 [2025]; *People v Ruiz*, 146 AD3d 417, 417 [1st Dept 2017], lv denied 28 NY3d 1188 [2017]). Based on our own interest of justice powers, we vacate the surcharge and fees imposed at sentencing under indictment No. 76084/23 (see *People v Chirinos*, 190 AD3d 434, 435 [1st Dept 2021]).

We note that the People do not oppose this relief. THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: February 26, 2026

PER CURIAM.

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In any event, the latter challenge is moot because defendant was not convicted of that count (see *People v Watts*, 234 AD3d 620, 621 [1st Dept 2025], lv denied 43 NY3d 1059 [2025]; *People v Ruiz*, 146 AD3d 417, 417 [1st Dept 2017], lv denied 28 NY3d 1188 [2017]). Based on our own interest of justice powers, we vacate the surcharge and fees imposed at sentencing under indictment No. 76084/23 (see *People v Chirinos*, 190 AD3d 434, 435 [1st Dept 2021]).

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