

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

People v. Fisher

Fisher, 2026 NY Slip Op 02077 (Appellate Division of the Supreme Court of the State of New York First Department 2026) · No. Ind. No. 70375/23; Appeal No. 6290; Case No. 2024-04043 · Decided April 7, 2026

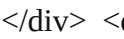
OPINION

People v. Fisher 2026 NY Slip Op 02077
PER CURIAM.

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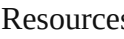
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People v Fisher

2026 NY Slip Op 02077

April 7, 2026

Appellate Division, First Department

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This decision is uncorrected and subject to revision before publication in the Official Reports.

The People of the State of New York, Respondent,

v

Tyee Fisher, Appellant.

Decided and Entered: April 07, 2026

Ind. No. 70375/23|Appeal No. 6290|Case No. 2024-04043

Before: Scarpulla, J.P., Friedman, Shulman, Rodriguez, Rosado, JJ.

Jenay Nurse Guilford, Center for Appellate Litigation, New York (Leanna J. Duncan of counsel), for appellant.

Darcel D. Clark, District Attorney, Bronx (Mary McGarvey-DePuy of counsel), for respondent.

Judgment, Supreme Court, Bronx County (Steven J. Hornstein, J.), rendered March 6, 2024, convicting defendant, upon his plea of guilty, of attempted criminal possession of a weapon in the third degree, and sentencing him, as a second violent felony offender, to a term of three years, unanimously affirmed.

Defendant's Second Amendment challenges to New York's revised gun licensing scheme are unpreserved because he failed to argue in his motion to dismiss the indictment that the "good moral character" provision is "vague and discretionary," or that there is "no historical analogue" to New York's lifetime firearms ban for any person previously convicted of a crime (*see People v Cabrera*, 41 NY3d 35, 42-51 [2023]), and we decline to review them in the interest of justice. As an alternative holding, we find them unavailing.

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

ENTERED: April 7, 2026

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