

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

People v. Alexander

2026 NY Slip Op 03972 · No. 2023-00203 · Decided June 24, 2026

SUMMARY

The Appellate Division, Second Department, affirmed a judgment convicting Nkosi Alexander of criminal possession of a firearm upon his guilty plea. The court held that his constitutional challenge to New York weapons-possession statutes and a New York City administrative provision was unpreserved and, in any event, meritless under New York State Rifle & Pistol Assn., Inc. v. Bruen.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Francesca E. Connolly, J.P.; Paul Wooten, J.; Lourdes M. Ventura, J.; Lisa S. Ottley, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	June 24, 2026
DOCKET	2023-00203
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendant appealed from a judgment of the Supreme Court, Kings County, entered after his guilty plea to criminal possession of a firearm and imposition of sentence.
STANDARD OF REVIEW	The constitutional challenge was unpreserved for appellate review; the court nevertheless considered it and rejected it on the merits.
PRECEDENTIAL VALUE	Published
PARTIES	Nkosi Alexander v. The People of the State of New York

TOPICS

- [criminal procedure](#) [second amendment](#) [preservation of error](#) [appellate procedure](#) [appellate jurisdiction](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the defendant's waiver of the right to appeal barred appellate review of his constitutional challenge.
2. Whether the defendant had standing to challenge the constitutionality of the firearm-possession statutes and Administrative Code provision.
3. Whether the constitutional challenge was preserved for appellate review.
4. Whether New York Penal Law §§ 265.03(3) and 265.01-b(1) and New York City Administrative Code § 10-131(i)(3) are unconstitutional under *New York State Rifle & Pistol Assn., Inc. v. Bruen*, rendering the indictment defective.

HOLDINGS

1. The defendant's waiver of the right to appeal did not preclude appellate review of his constitutional challenge.
2. The defendant did not lack standing to advance his constitutional challenge.
3. The defendant's constitutional challenge was unpreserved for appellate review.
4. The constitutional challenge was without merit; *Bruen* did not affect the constitutionality of New York's criminal possession of a weapon statutes.

KEY QUOTATIONS

“However, the defendant's contention is unpreserved for appellate review (see People v Cabrera, 41 NY3d 35, 42; People v Davidson, 98 NY2d 738, 739) and, in any event, without merit.” ([*1])

“Contrary to the defendant's contention, the Bruen decision had no impact on the constitutionality of New York State's criminal possession of a weapon statutes” ([*1])

FACTUAL BACKGROUND

Alexander pleaded guilty to criminal possession of a firearm in the Supreme Court, Kings County. The court rendered judgment on January 3, 2023, and imposed sentence. On appeal, he argued that specified New York firearm-possession statutes and a New York City Administrative Code provision were unconstitutional under *Bruen* and that the indictment was defective.

PROCEDURAL HISTORY

The Supreme Court, Kings County, rendered judgment on January 3, 2023, convicting Alexander upon his plea of guilty and imposing sentence. On appeal, Alexander challenged the constitutionality of New York Penal Law §§ 265.03(3) and 265.01-b(1) and New York City Administrative Code § 10-131(i)(3) under *New York State Rifle & Pistol Assn., Inc. v. Bruen*, and argued that the indictment was defective. The Appellate Division affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- New York State Rifle & Pistol Assn., Inc. v. Bruen, 597 US 1
- People v. Johnson, 2025 NY Slip Op 06528
- People v. Cabrera, 41 NY3d 35, 42
- People v. Davidson, 98 NY2d 738, 739
- People v. Manners, 217 AD3d 683, 686

OPINION

PER CURIAM.

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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 Nkosi Alexander, appellant. Supreme Court of the State of New York, Appellate Division, Second Judicial Department Decided on June 24, 2026 2023-00203, (Ind. No. 70083/22) Francesca E. Connolly, J.P. Paul Wooten Lourdes M. Ventura Lisa S. Ottley, JJ. Patricia Pazner, New York, NY (Mark W. Vorkink of counsel), for appellant.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove, Jean M. Joyce, and Ann Bordley of counsel), for respondent. [*1] DECISION & ORDER Appeal by the defendant from a judgment of the Supreme Court, Kings County (Heidi C. Cesare, J.), rendered January 3, 2023, convicting him of criminal possession of a firearm, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed. The defendant contends that Penal Law §§ 265.03(3) and 265.01-b(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, therefore, defective.

Contrary to the People's contention, the defendant's waiver of his right to appeal does not preclude appellate review of this contention, and the defendant does not lack standing to advance this contention (see People v Johnson, ___ NY3d ___, 2025 NY Slip Op 06528).

However, the defendant's contention is unpreserved for appellate review (see People v Cabrera, 41 NY3d 35, 42; People v Davidson, 98 NY2d 738, 739) and, in any event, without merit. Contrary

to the defendant's contention, the Bruen decision had no impact on the constitutionality of New York State's criminal possession of a weapon statutes (see *People v Johnson*, ___ NY3d ___, 2025 NY Slip Op 06528; *People v Manners*, 217 AD3d 683, 686).

CONNOLLY, J.P., WOOTEN, VENTURA and OTTLEY, JJ., concur. ENTER: Darrell M. Joseph
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