

**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

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**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*.

**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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