

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

People v. Padia

2026 NY Slip Op 00263 (Supreme Court of the State of New York Appellate Division Second Judicial
Department 2026) · No. 2023-04097 · Decided January 21, 2026

SUMMARY

The Appellate Division, Second Department affirmed the defendant's judgment of conviction for criminal possession of a firearm following a guilty plea. The court held that the defendant's facial constitutional challenge under New York State Rifle & Pistol Assn., Inc. v. Bruen was unpreserved and, in any event, without merit because he failed to show that New York's licensing scheme was unconstitutional in every possible application.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Angela G. Iannacci, J.P.; Linda Christopher; Carl J. Landicino; Phillip Hom
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	January 21, 2026
DOCKET	2023-04097
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendant appealed from a judgment of the Supreme Court, Kings County, rendered after his guilty plea to criminal possession of a firearm and imposing sentence. He challenged the constitutionality of his conviction under New York State Rifle & Pistol Assn., Inc. v. Bruen.
STANDARD OF REVIEW	Preservation of error and facial constitutional challenge review; a facial challenger must establish that the law is unconstitutional in every possible application.
PRECEDENTIAL VALUE	published
PARTIES	Chelcie Padia v. The People of the State of New York

TOPICS

criminal procedure

second amendment

preservation of error

appellate procedure

constitutional law

PRACTICE AREAS

criminal law

criminal procedure

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether the defendant's valid waiver of the right to appeal barred appellate review of his facial constitutional challenge.
2. Whether the defendant's constitutional challenge was preserved for appellate review.
3. Whether the defendant established that the firearm-licensing scheme was unconstitutional in every possible application.

HOLDINGS

1. A valid waiver of the right to appeal does not preclude appellate review of a facial constitutional challenge.
2. The defendant's constitutional challenge was unpreserved because he failed to raise it before the Supreme Court.
3. The defendant failed to establish that the firearm-licensing scheme was unconstitutional in every possible application; therefore, his constitutional challenge to the conviction was without merit.

KEY QUOTATIONS

"The party making a facial challenge must establish that a law is unconstitutional in every possible application" (*1)

"has failed to show that there is no set of circumstances in which the licensing scheme would be constitutionally valid" (*1)

FACTUAL BACKGROUND

Padia was convicted of criminal possession of a firearm under Penal Law § 265.01-b(1) after pleading guilty. On appeal, he argued that his conviction was unconstitutional in light of *New York State Rifle & Pistol Assn., Inc. v. Bruen*, but he had not raised a constitutional challenge in the Supreme Court.

PROCEDURAL HISTORY

The Supreme Court, Kings County, entered judgment on April 20, 2023, convicting Padia of criminal possession of a firearm upon his plea of guilty and imposing sentence. The Appellate Division affirmed, holding that although the valid appeal waiver did not bar facial constitutional review, the claim was unpreserved and meritless in any event.

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, 39
- People v. Joyce, 219 AD3d 627, 628
- People v. Sargeant, 230 AD3d 1341, 1355, affd 2025 NY Slip Op 06361
- People v. Li, 226 AD3d 830, 832

OPINION

PER CURIAM.

People v Padia (2026 NY Slip Op 00263) People v Padia 2026 NY Slip Op 00263 Decided on January 21, 2026 Appellate Division, Second 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 on January 21, 2026 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department ANGELA G. IANNACCI, J.P.

LINDA CHRISTOPHER CARL J. LANDICINO PHILLIP HOM, JJ. 2023-04097 (Ind. No. 70460/21) [*1]The People of the State of New York, respondent, v Chelcie Padia, appellant. Patricia Pazner, New York, NY (Steven C. Kuza of counsel), for appellant. Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove, Jean M. Joyce, and Ann Bordley of counsel), for respondent.

DECISION & ORDER Appeal by the defendant from a judgment of the Supreme Court, Kings County (Laura R. Johnson, J.), rendered April 20, 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 was convicted of criminal possession of a firearm, upon his plea of guilty (Penal Law § 265.01-b[1]). On appeal, the defendant contends that his conviction is unconstitutional in light of New York State Rifle & Pistol Assn., Inc. v Bruen (597 US 1).

The defendant's valid waiver of his right to appeal does not preclude review of his facial constitutional challenge (see People v Johnson, ____ NY3d ____, ____, 2025 NY Slip Op 06528, *1, *3). However, the defendant's contention is unpreserved for appellate review, as the defendant failed to raise a constitutional challenge before the Supreme Court (see People v Cabrera, 41 NY3d 35, 39; People v Joyce, 219 AD3d 627, 628; see also People v Johnson, ____ NY3d at ____, 2025 NY Slip Op 06528, *2).

In any event, "[t]he party making a facial challenge must establish that a law is unconstitutional in every possible application" (People v Johnson, ____ NY3d at ____, 2025 NY Slip Op 06528, *3). The defendant here "has failed to show that there is no set of circumstances in which the licensing scheme would be constitutionally valid" (People v Johnson, ____ NY3d at ____, 2025 NY Slip Op 06528, *3).

Accordingly, the defendant's contention that his conviction was unconstitutional is without merit (see People v Johnson, ____ NY3d at ____, 2025 NY Slip Op 06528, *3; People v Sargeant, 230 AD3d 1341, 1355, affd ____ NY3d ____, 2025 NY Slip Op 06361; People v Li, 226 AD3d 830, 832). IANNACCI, J.P., CHRISTOPHER, LANDICINO and HOM, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court