

**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.

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