

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

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