

**SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FIRST DEPARTMENT**

People v. Jackson

2026 NY Slip Op 02729 · No. Ind. No. 73164/23; Appeal No. 6502; Case No. 2025-00587 · Decided April 30,
2026

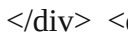
OPINION

People v. Jackson 2026 NY Slip Op 02729

PER CURIAM.

People v Jackson - 2026 NY Slip Op 02729 skip to main content

It appears you are using Adblock. Please disable Adblock to best experience our website.

 Law Reporting Bureau Home Page Law Reporting Bureau Thomas J.K. Smith, State Reporter Court Decisions Resources About



Home All Court Decisions Decisions

People v Jackson

2026 NY Slip Op 02729

April 30, 2026

Appellate Division, First Department

Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431.

This decision is uncorrected and subject to revision before publication in the Official Reports.

The People of the State of New York, Respondent,

v

Michael T. Jackson, Defendant-Appellant.

Decided and Entered: April 30, 2026

Ind No. 73164/23|Appeal No. 6502|Case No. 2025-00587|

Before: Kennedy, J.P., Gesmer, González, Rosado, Chan, JJ.

Jenay Nurse Guilford, Center for Appellate Litigation, New York (Leanna J. Duncan of counsel), for appellant.

Darcel D. Clark, District Attorney, Bronx (Joseph P. Tucker of counsel), for respondent.

[*1]

Judgment, Supreme Court, Bronx County (Steven J. Hornstein, J.), rendered December 18, 2024, convicting defendant, upon his plea of guilty, of criminal possession of a firearm, and sentencing him to 3 years of probation, unanimously affirmed.

Defendant validly waived his right to appeal (*see People v Thomas*, 34 NY3d 545, 559 [2019], *cert denied* 589 US 1302 [2020]), which forecloses review of his excessive sentence claim (*see People v Lowndes*, 239 AD3d 574, 575 [1st Dept 2025], *lv denied* 44 NY3d 1012 [2025]). As an alternative holding, we perceive no basis to reduce his sentence.

Defendant's facial challenge to the "good moral character" provision of New York's gun licensing scheme survives his waiver of the right to appeal, and he has standing to bring it despite his never having applied for a gun license (*see People v Johnson*, — NY3d —, 2025 NY Slip Op 06528, *2 [2025]). However, the contention is unpreserved and we decline to review it in

the interest of justice (*id.*) Alternatively, we find the claim unavailing (*see* *People v Martinez*, 238 AD3d 423, 424 [1st Dept 2025], *lv denied* 44 NY3d 1067 [2026]). Defendant's ineffective assistance claim based on trial counsel's failure to raise his good moral character argument is not reviewable because it involves matters not reflected in the record and thus must first be raised in a CPL 440.10 motion (*see* *People v Martinez*, 231 AD3d 448, 449 [1st Dept 2024], *lv denied* 42 NY3d 1081 [2025]). To the extent the record permits review, we find that defendant has failed to establish that counsel was ineffective (*see* *People v Caban*, 5 NY3d 143, 152 [2005]). Defendant's as-applied constitutional challenges to condition 7 of his probation, which requires him to "[a]void injurious or vicious habits; refrain from frequenting unlawful or disreputable places; and do not consort with disreputable people" are foreclosed by his valid waiver of the right to appeal (*see* *Lowndes*, 239 AD3d at 575). They are also unpreserved, and we decline to review them in the interest of justice (*id.*).

THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: April 30, 2026

Court Decisions

All Court Decisions Official Reports Service Bound Volumes Decision Search

Resources

RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index

About

About the Law Reporting Bureau About our Operations Contact Us Twitter

Quick Contact Info

17 Lodge Street

Albany, NY 12207

Phone: (518) 453-6900

Links to or from other sites do not signify endorsement or relationship with them.

PER CURIAM.

People v Jackson - 2026 NY Slip Op 02729

[skip to main content](#)

It appears you are using Adblock. Please disable Adblock to best experience our website.



Law Reporting Bureau Home Page

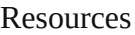
Law Reporting Bureau

Thomas J.K. Smith, State Reporter

Court Decisions

Resources

About



Home

All Court Decisions

Decisions

People v Jackson

2026 NY Slip Op 02729

April 30, 2026

Appellate Division, First Department

Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431.

This decision is uncorrected and subject to revision before publication in the Official Reports.

The People of the State of New York, Respondent,

v

Michael T. Jackson, Defendant-Appellant.

Decided and Entered: April 30, 2026

Ind No. 73164/23|Appeal No. 6502|Case No. 2025-00587|

Before: Kennedy, J.P., Gesmer, González, Rosado, Chan, JJ.

Jenay Nurse Guilford, Center for Appellate

Litigation, New York (Leanna J. Duncan of counsel), for appellant.

Darcel D. Clark, District Attorney, Bronx (Joseph P. Tucker of counsel), for respondent.

Judgment, Supreme Court, Bronx County (Steven J. Hornstein, J.), rendered December 18, 2024, convicting defendant, upon his plea of guilty, of criminal possession of a firearm, and sentencing him to 3 years of probation, unanimously affirmed.

Defendant validly waived his right to appeal (*see People v Thomas*, 34 NY3d 545, 559 [2019], *cert denied* 589 US 1302 [2020]), which forecloses review of his excessive sentence claim (*see People v Lowndes*, 239 AD3d 574, 575 [1st Dept 2025], *lv denied* 44 NY3d 1012 [2025]). As an alternative holding, we perceive no basis to reduce his sentence.

Defendant's facial challenge to the "good moral character" provision of New York's gun licensing scheme survives his waiver of the right to appeal, and he has standing to bring it despite his never having applied for a gun license (*see People v Johnson*, — NY3d —, 2025 NY Slip Op 06528, *2 [2025]). However, the contention is unpreserved and we decline to review it in the interest of justice (*id.*) Alternatively, we find the claim unavailing (*see People v Martinez*, 238 AD3d 423, 424 [1st Dept 2025], *lv denied* 44 NY3d 1067 [2026]).

Defendant's ineffective assistance claim based on trial counsel's failure to raise his good moral character argument is not reviewable because it involves matters not reflected in the record and thus must first be raised in a CPL 440.10 motion (*see People v Martinez*, 231 AD3d 448, 449 [1st Dept 2024], *lv denied* 42 NY3d 1081 [2025]). To the extent the record permits review, we find that defendant has failed to establish that counsel was ineffective (*see People v Caban*, 5 NY3d 143, 152 [2005]).

Defendant's as-applied constitutional challenges to condition 7 of his probation, which requires him to "[a]void injurious or vicious habits; refrain from frequenting unlawful or disreputable places; and do not consort with disreputable people" are foreclosed by his valid waiver of the right to appeal (*see Lowndes*, 239 AD3d at 575). They are also unpreserved, and we decline to review them in the interest of justice (*id.*).

THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: April 30, 2026

Court Decisions

All Court Decisions Official Reports Service Bound Volumes Decision Search

Resources

RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index

About

About the Law Reporting Bureau About our Operations Contact Us Twitter

Quick Contact Info

17 Lodge Street

Albany, NY 12207

Phone: (518) 453-6900

Links to or from other sites do not signify endorsement or relationship with them.

PER CURIAM.

People v Jackson - 2026 NY Slip Op 02729 skip to main content It appears you are using Adblock. Please disable Adblock to best experience our website. Law Reporting Bureau Thomas

J.K. Smith, State Reporter Court Decisions Resources About Home All Court Decisions Decisions People v Jackson 2026 NY Slip Op 02729 April 30, 2026 Appellate Division, First Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This decision is uncorrected and subject to revision before publication in the Official Reports. The People of the State of New York, Respondent, v Michael T. Jackson, Defendant-Appellant. Decided and Entered: April 30, 2026 Ind No. 73164/23|Appeal No. 6502|Case No. 2025-00587| Before: Kennedy, J.P., Gesmer, González, Rosado, Chan, JJ. Jenay Nurse Guilford, Center for Appellate Litigation, New York (Leanna J. Duncan of counsel), for appellant. Darcel D. Clark, District Attorney, Bronx (Joseph P. Tucker of counsel), for respondent. [*1] Judgment, Supreme Court, Bronx County (Steven J. Hornstein, J.), rendered December 18, 2024, convicting defendant, upon his plea of guilty, of criminal possession of a firearm, and sentencing him to 3 years of probation, unanimously affirmed. Defendant validly waived his right to appeal (see People v Thomas , 34 NY3d 545 , 559 [2019], cert denied 589 US 1302 [2020]), which forecloses review of his excessive sentence claim (see People v Lowndes , 239 AD3d 574 , 575 [1st Dept 2025], lv denied 44 NY3d 1012 [2025]). As an alternative holding, we perceive no basis to reduce his sentence. Defendant's facial challenge to the "good moral character" provision of New York's gun licensing scheme survives his waiver of the right to appeal, and he has standing to bring it despite his never having applied for a gun license (see People v Johnson , — NY3d —, 2025 NY Slip Op 06528, *2 [2025]). However, the contention is unpreserved and we decline to review it in the interest of justice (id.) Alternatively, we find the claim unavailing (see People v Martinez , 238 AD3d 423 , 424 [1st Dept 2025], lv denied 44 NY3d 1067 [2026]). Defendant's ineffective assistance claim based on trial counsel's failure to raise his good moral character argument is not reviewable because it involves matters not reflected in the record and thus must first be raised in a CPL 440.10 motion (see People v Martinez , 231 AD3d 448 , 449 [1st Dept 2024], lv denied 42 NY3d 1081 [2025]). To the extent the record permits review, we find that defendant has failed to establish that counsel was ineffective (see People v Caban , 5 NY3d 143, 152 [2005]). Defendant's as-applied constitutional challenges to condition 7 of his probation, which requires him to "[a]void injurious or vicious habits; refrain from frequenting unlawful or disreputable places; and do not consort with disreputable people" are foreclosed by his valid waiver of the right to appeal (see Lowndes , 239 AD3d at 575). They are also unpreserved, and we decline to review them in the interest of justice (id.). THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: April 30, 2026 Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.

