

State of New York Court of Appeals

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To be argued Wednesday, September 13, 2023

No. 63 People v Pablo Pastrana

No. 64 People v Jose M. Rivera

No. 62 People v Sebastian Telfair

No. 65 People v Ramon Cabrera

No. 66 People v George Garcia

No. 67 People v Carlos L. David

These six appeals, which are otherwise unrelated, all raise claims that the conviction and sentencing of the defendants for illegal weapon possession under Penal Law § 265.03 violated their Second Amendment rights in the wake of the U.S. Supreme Court’s 2022 decision in New York Rifle & Pistol Association, Inc. v Bruen (142 SCt 2111). The Bruen decision invalidated a portion of New York’s gun licensing laws, holding that “the Second and Fourteenth Amendments protect an individual’s right to carry a handgun for self-defense outside the home.” All six defendants were convicted of criminal possession of a weapon in the second degree under Penal Law § 265.03, which criminalizes possession of a loaded firearm outside of one’s home or place of business, and the defendants contend that Bruen clearly rendered the statute unconstitutional. The State Attorney General’s Office intervened in all six cases pursuant to Executive Law § 71 to defend the constitutionality of the statute. It argues, “In Bruen, the Supreme Court struck down only one provision of New York’s firearms licensing scheme: the requirement that a person applying for a license to carry a concealed firearm in public for self-defense must show ‘proper cause,’ interpreted to mean a special need for self-protection distinguishable from that of the general community.”

No. 63 – For appellant Pastrana: Mark W. Zeno, Manhattan (212) 577-2523 ext 505

For respondent: Bronx Asst. District Attorney Nicole Neckles (718) 838-6150

For intervenor: Deputy Solicitor General Nikki Kowalski (212) 416-8370

No. 64 – For appellant Rivera: Guy A. Talia, Rochester (585) 753-4967

For respondent: Monroe County Asst. District Attorney Lisa Gray (585) 753-4591

For intervenor: Assistant Attorney General Margaret Cieprisz (212) 416-8620

No. 62 – For appellant Telfair: Barry Krinsky, Brooklyn (917) 496-6302

For respondent: Brooklyn Asst. District Attorney Jean M. Joyce (718) 250- 3383

For intervenor: Deputy Solicitor General Ester Murdukhayeva (212) 416-6279

No. 65 – For appellant Cabrera: Barbara Zolot, Manhattan (212) 577-2523 ext 509

For respondent: Bronx Asst. District Attorney Joshua P. Weiss (718) 838-6229

For intervenor: Deputy Solicitor General Ester Murdukhayeva (212) 416-6279

No. 66 – For appellant Garcia: Matthew Bova, Manhattan (212) 577-2523

For respondent: Manhattan Asst. District Attorney Steven C. Wu (212) 335-9000

For intervenor: Asst. Deputy Solicitor General Andrew W. Amend (212) 416-8022

No. 67 – For appellant David: Guy A. Talia, Rochester (585) 753-4967

For respondent: Monroe County Asst. District Attorney Lisa Gray (585) 753-4591

For intervenor: Asst. Deputy Solicitor General Andrew W. Amend (212) 416-8022