

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

929

KA 23-01875

PRESENT: WHALEN, P.J., CURRAN, GREENWOOD, NOWAK, AND KEANE, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

ANTRELL DAVIS, DEFENDANT-APPELLANT.

JULIE CIANCA, PUBLIC DEFENDER, ROCHESTER (CLEA WEISS OF COUNSEL), FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (MARTIN P. MCCARTHY, II, OF COUNSEL), FOR RESPONDENT.

ALVIN L. BRAGG, JR., DISTRICT ATTORNEY, NEW YORK CITY (JOHN T. HUGHES OF COUNSEL), FOR DISTRICT ATTORNEYS ASSOCIATION OF THE STATE OF NEW YORK, AMICUS CURIAE.

Appeal from a judgment of the Monroe County Court (Karen Bailey Turner, J.), rendered October 19, 2023. The judgment convicted defendant upon his plea of guilty of attempted criminal possession of a weapon in the second degree.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed.

Memorandum: Defendant appeals from a judgment convicting him upon his plea of guilty of attempted criminal possession of a weapon in the second degree (Penal Law §§ 110.00, 265.03 [3]). We affirm.

Initially, to the extent that defendant challenges the state's gun licensing scheme, we conclude that defendant has not demonstrated that he has standing to assert that challenge (*see People v Vega*, 228 AD3d 467, 467 [1st Dept 2024]; *People v Liriano*, 226 AD3d 520, 521 [1st Dept 2024], *lv denied* 41 NY3d 1019 [2024]; *see generally United States v Decastro*, 682 F3d 160, 164 [2d Cir 2012], *cert denied* 568 US 1092 [2013]). Furthermore, we reject defendant's contention that Penal Law § 265.03 (3) is unconstitutional in light of *New York State Rifle & Pistol Assn., Inc. v Bruen* (597 US 1 [2022]). The decision in *Bruen* "had no impact on the constitutionality of New York State's criminal possession of a weapon statutes" (*People v Mancuso*, 225 AD3d 1151, 1153 [4th Dept 2024] [internal quotation marks omitted]; *see*

People v Cabrera, 41 NY3d 35, 49-50 [2023]; *People v Joyce*, 219 AD3d 627, 628 [2d Dept 2023], *lv denied* 40 NY3d 1013 [2023]).

Entered: January 31, 2025

Ann Dillon Flynn
Clerk of the Court