

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

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KA 22-01938

PRESENT: LINDLEY, J.P., MONTOUR, OGDEN, NOWAK, AND KEANE, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

JAKWAN CURRY, DEFENDANT-APPELLANT.
(APPEAL NO. 1.)

JULIE CIANCA, PUBLIC DEFENDER, ROCHESTER (DREW R. DUBRIN OF COUNSEL),
FOR DEFENDANT-APPELLANT.

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

Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered October 18, 2021. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

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

Memorandum: In appeal No. 1, defendant appeals from a judgment that convicted him, following his plea of guilty, of criminal possession of a weapon in the second degree (Penal Law § 265.03 [3]). In appeal No. 2, defendant appeals from a separate judgment that convicted him, following his plea of guilty, of criminal possession of a weapon in the second degree (*id.*).

Defendant's sole contention in each appeal—that Penal Law § 265.03 (3) is unconstitutional in light of the United States Supreme Court's decision in *New York State Rifle & Pistol Assn., Inc. v Bruen* (597 US 1 [2022])—is unpreserved for our review (see *People v Bell*, 229 AD3d 1178, 1179 [4th Dept 2024], *lv denied* 42 NY3d 1018 [2024]; *People v Sapp*, 225 AD3d 1280, 1280 [4th Dept 2024], *lv denied* 41 NY3d 1020 [2024]; *People v Williams*, 224 AD3d 1355, 1355 [4th Dept 2024], *lv denied* 42 NY3d 941 [2024]; see generally *People v Cabrera*, 41 NY3d 35, 39, 42-47 [2023]).

Entered: March 14, 2025

Ann Dillon Flynn
Clerk of the Court