

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

71

**KA 22-01652**

PRESENT: CURRAN, J.P., BANNISTER, SMITH, OGDEN, AND DELCONTE, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

JOSHUA RICHARDSON, DEFENDANT-APPELLANT.

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FRANK H. HISCOCK LEGAL AID SOCIETY, SYRACUSE (RYAN M. BERGMAN OF COUNSEL), FOR DEFENDANT-APPELLANT.

WILLIAM J. FITZPATRICK, DISTRICT ATTORNEY, SYRACUSE (BRADLEY W. OASTLER OF COUNSEL), FOR RESPONDENT.

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Appeal from a judgment of the Onondaga County Court (Matthew J. Doran, J.), rendered September 20, 2022. The judgment convicted defendant upon his plea of guilty of criminal possession of weapon in the second degree.

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

Memorandum: On appeal from a judgment convicting him upon his plea of guilty of criminal possession of a weapon in the second degree (Penal Law § 265.03 [3]), defendant contends that Penal Law § 265.03 is unconstitutional in light of *New York State Rifle & Pistol Assn., Inc. v Bruen* (597 US 1 [2022]). We have rejected identical contentions in prior cases, holding that *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], lv denied 43 NY3d 964 [2025] [internal quotation marks omitted]; see *People v Brinson*, 240 AD3d 1376, 1378 [4th Dept 2025]), and we perceive no reason to reach a different conclusion here. Indeed, we note that the Court of Appeals recently held “that *Bruen* did not render the state’s entire gun licensing scheme unconstitutional” inasmuch as the specific portion of the scheme that it invalidated is “severable” (*People v Johnson*, – NY3d –, –, 2025 NY Slip Op 06528, \*3 [2025]).

Entered: February 11, 2026

Ann Dillon Flynn  
Clerk of the Court