

**Supreme Court of the State of New York**  
**Appellate Division, First Judicial Department**

Renwick, P.J., Kennedy, Friedman, Mendez, Hagler, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK,  
Respondent,

Ind. No. 1203/20  
Case No. 2022-01295

-against-

RHAN FRANCIS,  
Defendant-Appellant.

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Jenay Nurse Guilford, Center for Appellate Litigation, New York (Benjamin Wiener of counsel), for appellant.

Alvin L. Bragg, Jr., District Attorney, New York (Andrew H. Chung of counsel), for respondent.

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Judgment, Supreme Court, New York County (Ruth Pickholz, J.), rendered February 22, 2022, as amended March 31, 2022, convicting defendant, upon his plea of guilty, of attempted criminal possession of a weapon in the second degree, and sentencing him to a jail term of one year, unanimously affirmed.

Defendant has standing to raise his challenge to the constitutionality of New York's firearm licensing scheme, notwithstanding that he never applied to obtain a firearm license (*see People v Johnson*, -- NY3d --, --, 2025 NY Slip Op 06528, \*2 [2025]). However, defendant's Second Amendment claim is unpreserved (*see People v Cabrera*, 41 NY3d 35, 42-51 [2023]; *People v Artis*, 216 AD3d 516, 516 [1st Dept 2023], *lv denied* 40 NY3d 949 [2023]), and we decline to review it in the interest of justice. As an alternative holding, we find that defendant has failed to establish that his conviction

is unconstitutional under *New York State Rifle & Pistol Assn., Inc. v Bruen* (597 US 1 [2022]) (see *Johnson*, 2025 NY Slip Op 06528, \*3).

Defendant's contention that his counsel rendered ineffective assistance in failing to raise his Second Amendment challenge is unreviewable on direct appeal as it involves matters not reflected in the record, and must be raised in a CPL 440.10 motion (see *People v Gray*, 230 AD3d 1039, 1039 [1st Dept 2024], *lv denied* 42 NY3d 1035 [2024]).

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

ENTERED: March 10, 2026

A handwritten signature in black ink, appearing to read "Susanna M. Rojas". The signature is fluid and cursive, with the first name "Susanna" and the last name "Rojas" being the most prominent parts.

Susanna Molina Rojas  
Clerk of the Court