

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

Webber, J.P., Shulman, Higgitt, Rosado, Hagler, JJ.

5974

THE PEOPLE OF THE STATE OF NEW YORK,
Respondent,

Ind. No. 74794/22
Case No. 2024-05340

-against-

ALDO JORGE RODRIGUEZ,
Defendant-Appellant.

Jenay Nurse Guilford, Center for Appellate Litigation, New York (Leanna J. Duncan of counsel), for appellant.

Darcel D. Clark, District Attorney, Bronx (Maria I. Wager of counsel), for respondent.

Judgment, Supreme Court, Bronx County (Albert Lorenzo, J. on motion to dismiss; Alvin Yearwood, J. at plea; Seth Steed, J. at sentencing), rendered August 8, 2024, convicting defendant of criminal possession of a weapon in the fourth degree, and sentencing him to one year of probation, unanimously affirmed.

Even assuming the validity of defendant's waiver of appeal, it would not foreclose from review his Second Amendment claim, and he has standing to raise his facial 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 has failed to establish that the instant indictment is unconstitutional under *New York State Rifle &*

Pistol Assn., Inc. v Bruen (597 US 1 [2022]; see e.g. *Johnson*, 2025 NY Slip Op 06528, *3; *People v Rosavong*, - AD3d -, 2026 NY Slip Op 00096 [1st Dept 2026]; *People v Balogh* - AD3d -, 2026 NY Slip Op 00323 [1st Dept 2026]).

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

ENTERED: March 3, 2026

A handwritten signature in black ink, reading "Susanna Molina Rojas". The signature is written in a cursive, flowing style.

Susanna Molina Rojas
Clerk of the Court