

***State of New York***  
***Court of Appeals***

*Decided and Entered on the  
eighteenth day of June, 2024*

**Present**, Hon. Rowan D. Wilson, *Chief Judge, presiding.*

---

Mo. No. 2024-45  
In the Matter of Tabitha Ward,  
Appellant,  
v.  
New York Police Department Headquarters  
License Division,  
Respondent.

---


Appellant having appealed and moved for leave to appeal to the Court of Appeals  
and moved for poor person relief in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, on the Court's own motion, that the appeal is dismissed, without  
costs, upon the ground that no substantial constitutional question is directly involved;  
and it is further

ORDERED, that the motion for leave to appeal is denied; and it is further

ORDERED, that the motion for poor person relief is dismissed as academic.

  
\_\_\_\_\_  
Lisa LeCours  
Clerk of the Court

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

Manzanet-Daniels, J.P., Singh, Gesmer, Rodriguez, Rosado, JJ.

716

In the Matter of TABITHA WARD,  
Petitioner-Appellant,

Index No. 100881/21  
Case No. 2022-04125

-against-

THE NEW YORK POLICE DEPARTMENT  
HEADQUARTERS LICENSE DIVISION,  
Respondent-Respondent.

---

Tabitha Ward, appellant pro se.

Sylvia O. Hinds-Radix, Corporation Counsel, New York (Tahirih M. Sadrieh of counsel),  
for respondent.

---

Order and judgment (one paper), Supreme Court, New York County (John J. Kelley, J.), entered February 10, 2022, denying the petition to annul a determination of respondent New York Police Department Headquarters License Division, dated June 30, 2021, which denied petitioner's application for a carry business handgun license, and dismissing the proceeding brought pursuant to CPLR article 78, unanimously affirmed, without costs.

Respondent's denial of petitioner's application for a handgun license was not arbitrary and capricious (see CPLR 7803[3]; *Matter of Pell v Board of Educ. of Union Free School Dist. No. 1 of Towns of Scarsdale & Mamaroneck, Westchester County*, 34 NY2d 222, 231 [1974]). Although petitioner's failure to demonstrate "proper cause" may no longer serve as an appropriate ground for the denial of a handgun license (see *New*

*York State Rifle & Pistol Assn. v Bruen*, 597 US —, 142 S Ct 2111 [2022]; *Matter of Vicari v Shea*, 215 AD3d 510 [1st Dept 2023]), the license was rationally denied.

In reaching its determination, respondent properly considered petitioner's 2011 arrest in Alabama for threatening a relative, despite the subsequent dismissal of the charges (*see* 38 RCNY 5-10[a], [g]; *Matter of Peric v New York City Police Dept., License Div., Rifle/Shotgun Sec.*, 5 AD3d 142 [1st Dept 2004]). The record also shows that petitioner failed to cooperate with respondent's investigation of her application by failing to disclose a summons from the Transit Adjudication Board, and failing to submit a lifetime DMV abstract or a statement from a person who would safeguard her firearm in case of her death or disability (*see* 38 RCNY 5-10[m]). Nor did petitioner provide the required character references (*see* 38 RCNY 5-05[8]). Petitioner's omissions, along with false statements she made in her application, were sufficient grounds for the denial of her application (*see Matter of Delgado v Kelly*, 127 AD3d 644, 644 [1st Dept 2015], *lv denied* 26 NY3d 905 [2015]; *Matter of Wilson v New York City Police Dept. License Div.*, 115 AD3d 552 [1st Dept 2014]).

We have considered petitioner's remaining contentions and find them unavailing.

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

ENTERED: October 5, 2023



Susanna Molina Rojas  
Clerk of the Court

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

Present – Hon. Sallie Manzanet-Daniels,  
Anil C. Singh  
Ellen Gesmer  
Julio Rodriguez III  
Llinét M. Rosado,

Justice Presiding,  
  
  
  
Justices.

---

In the Matter of  
Tabitha Ward,  
Petitioner-Appellant,

Motion No. **2023-04577**  
Index No. 100881/21  
Case No. 2022-04125

-against-

The New York Police Department  
Headquarters License Division,  
Respondent-Respondent.

---

Petitioner-appellant, pro se, having moved for leave to appeal to the Court of Appeals from the decision and order of this Court, entered on October 05, 2023 (Appeal No. 716) and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTERED: January 16, 2024



Susanna Molina Rojas  
Clerk of the Court

**Additional material  
from this filing is  
available in the  
Clerk's Office.**