

APPENDIX
A

State of New York

Court of Appeals

BEFORE: HON. MADELINE SINGAS, Associate Judge

THE PEOPLE OF THE STATE OF NEW YORK,

- against -

Respondent,

DARRELL GUNN,

Appellant.

**ORDER
DISMISSING
LEAVE**

Ind. No. 2003-0242-1

Appellant having applied for leave to appeal to this Court pursuant to Criminal Procedure Law (CPL) § 460.20 from an order in the above-captioned case;*

UPON the papers filed and due deliberation, it is

ORDERED that the application is dismissed because the order sought to be appealed from is not appealable under CPL § 450.90(1).

Dated: July 17, 2024



Associate Judge

*Description of Order: Order of a Justice of the Appellate Division, Fourth Department, dated May 9, 2024, denying leave to appeal from an order of County Court, Onondaga County, dated January 30, 2024.

APPENDIX
B

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

KA 24-00392

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

DARRELL GUNN, DEFENDANT..

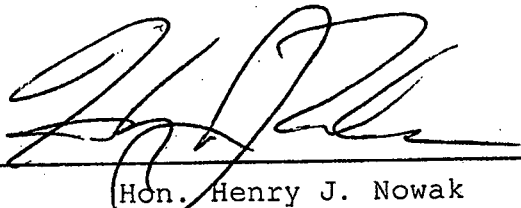
Indictment No.: 2003-0242-1

Defendant having moved for a certificate granting leave to appeal pursuant to CPL 460.15 from an order of the Onondaga County Court, dated January 30, 2024,

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

It is hereby ORDERED that the motion is denied.

DATED: 5/9/24



Hon. Henry J. Nowak
Associate Justice

Supreme Court
APPELLATE DIVISION
Fourth Judicial Department
Clerk's Office, Rochester, N.Y.



I, ANN DILLON FLYNN, Clerk of the Appellate Division of the Supreme Court in the Fourth Judicial Department, do hereby certify that this is a true copy of the original document, now on file in this office.



*IN WITNESS HEREOF, I have hereunto set my
hand and affixed the seal of said Court at the City
of Rochester, New York, this*

MAY 13 2024

Ann Dillon Flynn
Clerk

APPENDIX
C

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

MOTION NO. 1568/06

KA 05-00836

PRESENT: SMITH, J.P., LINDLEY, GREENWOOD, NOWAK, AND KEANE, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

DARRELL GUNN, DEFENDANT-APPELLANT.

Indictment No: 2003-0242-1

Appellant having moved for a writ of error coram nobis vacating the order of the Court, entered December 22, 2006, affirming a judgment of the Onondaga County Court, rendered October 2, 2003,

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

It is hereby ORDERED that the motion is denied.

Entered: March 15, 2024

Ann Dillon Flynn
Clerk of the Court

**Supreme Court
APPELLATE DIVISION
Fourth Judicial Department
Clerk's Office, Rochester, N.Y.**



I, ANN DILLON FLYNN, Clerk of the Appellate Division of the Supreme Court in the Fourth Judicial Department, do hereby certify that this is a true copy of the original document, now on file in this office.



*IN WITNESS HEREOF, I have hereunto set my
hand and affixed the seal of said Court at the City
of Rochester, New York, this*

MAR 15 2024

Ann Dillon Flynn
Clerk

APPENDIX D

State of New York

Court of Appeals

BEFORE: HON. MICHAEL J. GARCIA
Associate Judge

THE PEOPLE OF THE STATE OF NEW YORK,

-against-

Respondent,

DARRELL GUNN,

Appellant.

**ORDER
DENYING
LEAVE**

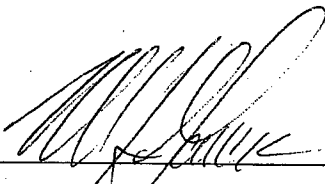
Appellant having applied for leave to appeal to this Court pursuant to Criminal Procedure Law § 460.20 from an order in the above-captioned case;*

UPON the papers filed and due deliberation, it is

ORDERED that the application is denied.

Dated: June 4, 2024

at Albany, New York



Associate Judge

*Description of Order: Order of the Supreme Court, Appellate Division, Fourth Department, entered March 15, 2024, denying defendant's motion for a writ of error coram nobis.

APPENDIX E

State of New York Court of Appeals

BEFORE: HON. VICTORIA A. GRAFFEO,
Associate Judge

THE PEOPLE OF THE STATE OF NEW YORK,

Respondent,

-against-

DARRELL GUNN,

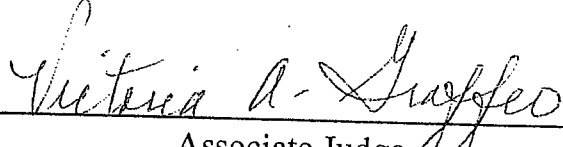
Appellant.

**CERTIFICATE
DENYING
LEAVE**

I, VICTORIA A. GRAFFEO, Associate Judge of the Court of Appeals of the State of New York, do hereby certify that upon application timely made by the above-named appellant for a certificate pursuant to section 460.20 of the Criminal Procedure Law and upon the record and proceedings herein,* there is no question of law presented which ought to be reviewed by the Court of Appeals and permission is hereby denied.

Dated: March 5th, 2007

at Albany, New York


Associate Judge

* Order of the Appellate Division, Fourth Department, entered December 22, 2006, affirming a judgment of the County Court, Onondaga County, rendered October 2, 2003.

APPENDIX

F

State of New York Court of Appeals

BEFORE: HONORABLE VICTORIA A. GRAFFEO, Associate Judge

THE PEOPLE OF THE STATE OF NEW YORK,
Respondent,

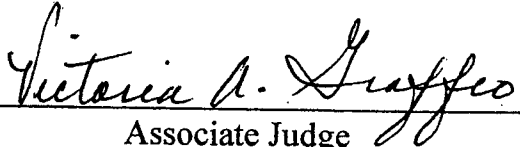
**CERTIFICATE
DENYING
APPLICATION FOR
RECONSIDERATION**

-against-

DARRELL GUNN,
Appellant.

I, VICTORIA A. GRAFFEO, Associate Judge of the Court of Appeals of the State of New York, certify that the application made by the above-named appellant for reconsideration of the March 5th, 2007 certificate denying application for leave to appeal* pursuant to section 460.20 of the Criminal Procedure Law is hereby denied.

Dated: May 4th, 2007
at Albany, New York


Associate Judge

*Order of the Appellate Division, Fourth Department, entered December 22, 2006, affirming a judgment of the County Court, Onondaga County, rendered October 2, 2003.

APPENDIX
G

SUPREME COURT OF THE STATE OF NEW YORK

Appellate Division, Fourth Judicial Department

1292

KA 11-02329

PRESENT: WHALEN, P.J., CENTRA, LINDLEY, DEJOSEPH, AND SCUDDER, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

DARRELL GUNN, DEFENDANT-APPELLANT.

D.J. & J.A. CIRANDO, ESQS., SYRACUSE (JOHN A. CIRANDO OF COUNSEL), FOR DEFENDANT-APPELLANT.

WILLIAM J. FITZPATRICK, DISTRICT ATTORNEY, SYRACUSE (VICTORIA M. WHITE OF COUNSEL), FOR RESPONDENT.

Appeal from a resentence of the Onondaga County Court (Joseph E. Fahey, J.), rendered October 18, 2011. Defendant was resented upon his conviction of attempted murder in the first degree.

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

Memorandum: Defendant was convicted upon his plea of guilty of murder in the first degree (Penal Law § 125.27 [1] [a] [vii]; [b]) and attempted murder in the first degree (§§ 110.00, 125.27 [1] [a] [vii]; [b]), and he now appeals from a resentence with respect to that conviction. County Court originally sentenced defendant to a determinate term of imprisonment for the count of attempted murder, and we affirmed the judgment of conviction (*People v Gunn*, 35 AD3d 1243, lv denied 8 NY3d 923, reconsideration denied 8 NY3d 985). The court had failed, however, to impose a period of postrelease supervision with respect to that count, as required by Penal Law § 70.45 (1). To remedy that error (see Correction Law § 601-d; *People v Sparber*, 10 NY3d 457, 465), with the People's consent, the court resented defendant prior to the completion of his sentence to the same term of imprisonment without imposing a period of postrelease supervision (see Penal Law § 70.85).

Defendant failed to preserve for our review his contention that he was denied due process because the resentence violated his statutory right to have his sentence pronounced "without unreasonable delay" (CPL 380.30 [1]), and because he was not given notice pursuant to Correction Law § 601-d (2) that he was a "designated person" (see *People v Woods*, 122 AD3d 1400, 1401, lv denied 25 NY3d 1210; *People v Diggs*, 98 AD3d 1255, 1256, lv denied 20 NY3d 986). We decline to exercise our power to review that contention as a matter of discretion in the interest of justice (see CPL 470.15 [3] [c]). Contrary to

defendant's further contention, he was not denied effective assistance of counsel at the resentencing proceeding (see *Woods*, 122 AD3d at 1401-1402; *People v Williams*, 82 AD3d 1576, 1578, lv denied 17 NY3d 810; see generally *People v Baldi*, 54 NY2d 137, 147).

Entered: February 3, 2017

Frances E. Cafarell
Clerk of the Court

APPENDIX
H

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

MOTION NO. 1568/06

KA 05-00836

PRESENT: WHALEN, P.J., CENTRA, LINDLEY, CURRAN, AND DEJOSEPH, JJ.

PEOPLE OF THE STATE OF NEW YORK, PLAINTIFF-RESPONDENT,

V

DARRELL GUNN, DEFENDANT-APPELLANT.

Indictment No: 2003-0242-1

Appellant having moved for a writ of error coram nobis vacating the order of this Court entered December 22, 2006, affirming a judgment of the Onondaga County Court, rendered October 2, 2003,

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

It is hereby ORDERED that the motion is denied.

Entered: July 17, 2020

Mark W. Bennett
Clerk of the Court

APPENDIX PH

Supreme Court
APPELLATE DIVISION
Fourth Judicial Department
Clerk's Office, Rochester, N.Y.

I, MARK W. BENNETT, Clerk of the Appellate Division of the Supreme Court in the Fourth Judicial Department, do hereby certify that this is a true copy of the original order, now on file in this office.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at the City of Rochester, New York, this

JUL 17 2020

Mark W. Bennett

Clerk

APPENDIX

I

State of New York Court of Appeals

BEFORE: HON. MICHAEL J. GARCIA
Associate Judge

THE PEOPLE OF THE STATE OF NEW YORK,

-against-

Respondent,

DARRELL GUNN,

Appellant.

**ORDER
DENYING
LEAVE**

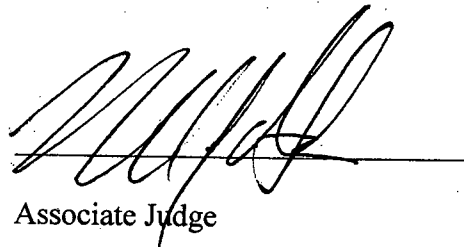
Appellant having applied for leave to appeal to this Court pursuant to Criminal Procedure Law § 460.20 from an order in the above-captioned case;*

UPON the papers filed and due deliberation, it is

ORDERED that the application is denied.

Dated: December 30, 2020

at Albany, New York



Associate Judge

*Description of Order: Order of the Supreme Court, Appellate Division, Fourth Department, entered July 17, 2020, denying an application for a writ of error coram nobis.

APPENDIX
J

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

Case No:1568/06

KA 05-00836

PRESENT: SMITH, J.P., LINDLEY, NEMOYER, CURRAN, AND MONTOUR, JJ.

PEOPLE OF THE STATE OF NEW YORK, PLAINTIFF-RESPONDENT,

V

DARRELL GUNN, DEFENDANT-APPELLANT.

Indictment No: 2003-0242-1

Appellant having moved for a writ of error coram nobis to vacate the order of this Court entered December 22, 2006, which affirmed a judgment of Onondaga County Court, rendered October 2, 2003,

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

It is hereby ORDERED that the motion is denied.

Entered: December 23, 2022

Ann Dillon Flynn
Clerk of the Court

Supreme Court
APPELLATE DIVISION
Fourth Judicial Department
Clerk's Office, Rochester, N.Y.



I, ANN DILLON FLYNN, Clerk of the Appellate Division of the Supreme Court in the Fourth Judicial Department, do hereby certify that this is a true copy of the original document, now on file in this office.



IN WITNESS HEREOF, I have hereunto set my hand and affixed the seal of said Court at the City of Rochester, New York, this **DEC 28 2022**

Ann Dillon Flynn

Clerk

APPENDIX

State of New York

Court of Appeals

BEFORE: HON. MICHAEL J. GARCIA
Associate Judge

THE PEOPLE OF THE STATE OF NEW YORK,

Respondent,

-against-

DARRELL GUNN,

Appellant.

**ORDER
DENYING
LEAVE**

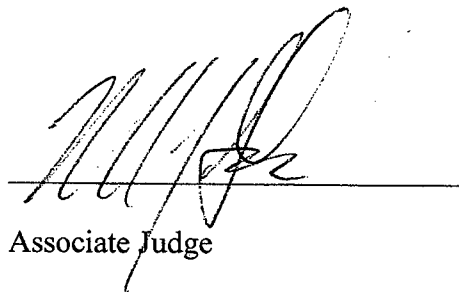
Appellant having applied for leave to appeal to this Court pursuant to Criminal Procedure Law § 460.20 from an order in the above-captioned case;*

UPON the papers filed and due deliberation, it is

ORDERED that the application is denied.

Dated: March 15, 2023

at Albany, New York



Associate Judge

*Description of Order: Order of the Supreme Court, Appellate Division, Fourth Department, entered December 23, 2022, denying defendant's motion for a writ of error coram nobis.

APPENDIX

L

Supreme Court of the State of New York
County of New York, Criminal Division

10A 25-00624

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

v

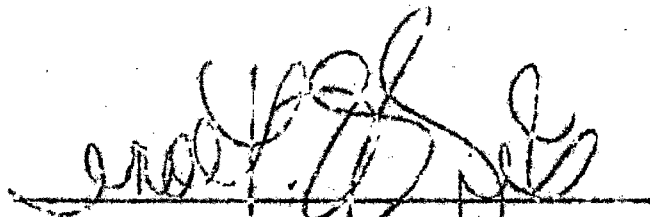
DANIEL GUNN, DEFENDANT.

Indictment No. 1003-0242-1

Defendant having moved for a certificate granting leave to
appear pursuant to CPL 480.12 from an order of the Onondaga County
Court, dated March 28, 2024,

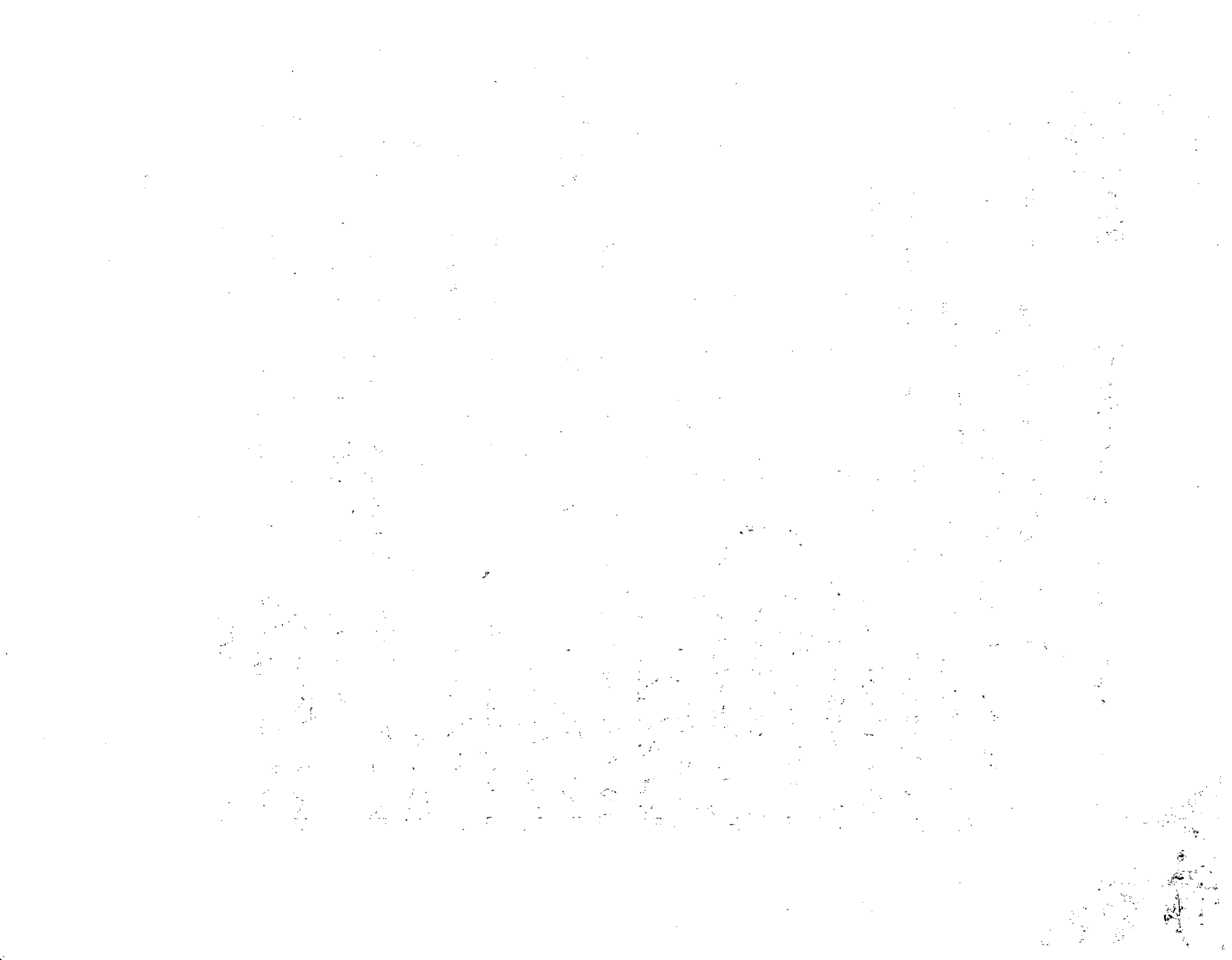
Now, upon reading and filing the papers with respect to the
motion, and due deliberation having been had thereon,

It is hereby ORDERED that the motion is denied.


Hon. John W. Keane
Associate Justice

DATED: 6/17/24
HKS/5/9

EXHIBIT
1



AUG 28 '03

COUNTY COURT
ONONDAGA COUNTY

DEAR HONORABLE JUDGE FAHEY,

8/25/03

I DARRELL GUNN DETERMINED TO TAKE MY GUILTY PLEA BACK. THERE ARE NUMEROUS REASONS FOR THIS, THE MOST IMPORTANT I WOULD LIKE TO GO TO TRIAL. MY ATTORNEYS HAVE NOT BEEN ACTING IN MY BEST INTEREST. THERE HAS BEEN NO INVESTIGATION IN MY CASE WHATSOEVER. I HAVE BEEN THREATENED BY MY ATTORNEYS THEY WILL "COME IN AND BEAT ME UP IF I DON'T PLEA GUILTY", WHEN I DIDN'T PLEA GUILTY ON 8/15/03 TOM SAID HE WAS DISAPPOINTED IN ME AND THAT I'M ON MY OWN. HE TOLD ME TO MAKE A PROMISE THAT I WILL PLEA GUILTY ON 8/21/03, I DID NOT MAKE THAT PROMISE. HE SAID HE CAN HAVE ME MAKE AN ALFORD PLEA AND IF D.A. DOESN'T AGREE I CAN HAVE A TRIAL. IT'S VERY HARD FOR ME TO CALL GEORGE HIS PHONE HANGS UP WHEN LINE IS SWITCHED OVER. EARLY LAST YEAR AND THIS YEAR HIS COLLECT CALL SERVICE WAS NOT AVAILABLE FOR LEGAL REASONS. I TOLD MY LAWYERS I WANT TO CHANGE MY PLEA JUST RECENTLY. TOM SAID I WILL GET OUT OF JAIL. GEORGE SAID NOW THE WEIGHT SHOULD BE OFF MY SHOULDERS AND I SHOULD MAKE 1 YEAR AND 5 YEARS GOALS. I TOLD THEM I DIDN'T WANT TO PLEA GUILTY THEY FORCED ME TOO. I ALSO HAVE BEEN KEPT IN BOX FOR TWO WEEKS TOM SAID THIS IS GOOD FOR ME. THEY ALSO TOOK PICTURES OF MY SON SAYING SINCE I WILL NOT PLEAD GUILTY I CAN'T HAVE MY PICTURES OF MY SON THAT I DESPERATELY NEED. I PLEAD GUILTY AND THEY STILL HAVE NOT RETURNED THE PICTURES.

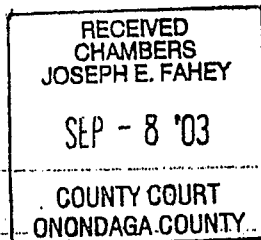
Also the 120 day extension was because
George had a wedding. This has affected my
case. I have not been in George's best interest
NO ONE interviewed the child's mother who and
her sister has a lot to do with this case
I informed my lawyers of facts and
truth.

I DARTELL A. GUNN take my plea
OF GUILTY BACK!

I TOLD TOM AND GEORGE STAY/03 AND STAY/03 THAT
I WILL TAKE MY PLEA BACK.

Sincerely yours,
Dartell A. Gunn

I called and wrote them I still have not
got a response. I have not seen or any
of the media coverage from when the
case began to now. They tell me they will
let me see it IT NEVER HAPPENED.
PLEASE HELP ME!



9/3/03

DEAR HONORABLE JUDGE FAHEY,

I DARRELL A. GUNN would like you to disregard my previous letter. I am satisfied with my guilty plea AND my current attorneys.

I am experiencing emotional distress due to circumstances of my case AND situations here at the JUSTICE CENTER PLUS family problems. I referred to you because of the opportunity you give me to answer questions.

Here at the JUSTICE CENTER I'm currently in administrative segregation special housing UNIT (BOX). This occurred on 8/10/03. I did nothing AND was MACE'd AND have NO idea of when I will be let OUT OF BOX. They Deprived me of my Bible AND would NOT inform me reason or reasons I have been told to move to Protective Custody. THE STAFF here has been torturing me with P.C. ENVIRONMENT. My attorneys are NOT allowed in my hearing because hearing officer said "you plead guilty you only have a sentence date left so your ATTORNEYS are NO longer working on your CASE." I have been refusing to sign in to Protective Custody because the allegations against me are FALSE. Since I been here I have NOT been able to even comb my hair. I was NOT allowed to change into my court clothes. I've accumulated 4 SKIN WOUNDS FROM stress AND loss of weight. IT has been my personal experience that people blame me for things that I did NOT DO. BUT STILL I get Punished. Especially IF I STAND UP FOR my rights. AS I wish to be heard in trial but I Face the Death Penalty AND the Plea OF LIFE without Parole is UNFAIR TOO. My I.D. BRACELT SAYS I'M A WHITE MALE AND I'M A CAPITAL DEFENDANT IS THAT a UNacceptable mistake OR IS IT?

I've been having a really hard time here. My Father can NOT get in to visit me because the visitation phone is MISMANAGED. I've seen my SOA nearly 30 TIMES in his young LIFE. I wish to ^{have} visit with him before I Leave To Live the rest of ^{my} LIFE in this prison.

MY DEFENSE TEAM HAS BEEN MY ONLY SUPPORT I'VE HAD. THEY BEEN MY FRIENDS. MY CHANGE IN LIFE TO SULLOMB TO LIFE IN PRISON HAS BEEN OVERWHELMING TO ME. I HAVEN'T EVEN EXPERIENCED THE LONG TERM EFFECT IT WILL HAVE ON ME AND MY SON.

I JUST WISH TO BE HEARD OF THE INJUSTICES THAT I'VE EXPERIENCED. PLEADING GUILTY WAS VERY HARD FOR ME TO DO, IT IS STILL TAKING ME A LONG TIME FOR ME TO AGREE WITH THE GUILTY PLEA. I PLEAD GUILTY IN 2001 IN EAST SYRACUSE, I APPEARED BEFORE 30 DAYS AND SUSAN CAREY DID NOT FILE MY APPEAL LIKE I REQUESTED FOR HER TO DO. SHE ALSO CHARGED ME \$50 FOR MY CASE PAPERWORK. TO THIS DAY I HAVE NOT SEEN ACCUSATORY INSTRUMENT. I ALSO HAD OVER \$600 WHEN I WAS ARRESTED FOR THIS CASE. THE U.S. MARSHAL WAS THE ARRESTING OFFICERS AND MY MONEY WAS NEVER RETURNED TO ME.

I DESPERATELY LOOK FOR ANSWERS. I'M STILL LEARNING AND MAKING MISTAKES. I'M SORRY FOR INCONVENIENCE TO YOU AND MY ATTORNEYS. DISREGARDING MY REQUEST TO TAKE BACK MY GUILTY PLEA IS MY REQUEST. I'M VERY POSITIVE PLEADING GUILTY IS WHAT I WANT TO DO.

Sincerely yours
Darrell