

Appendix A

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.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

DARRELL GUNN, DEFENDANT-APPELLANT.

Indictment No: 2003-0242-1

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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

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APPENDIX B

APPENDIX B

# State of New York Court of Appeals

BEFORE: HON. VICTORIA A. GRAFFEO,  
Associate Judge

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THE PEOPLE OF THE STATE OF NEW YORK,

Respondent,

-against-

DARRELL GUNN,

**CERTIFICATE  
DENYING  
LEAVE**

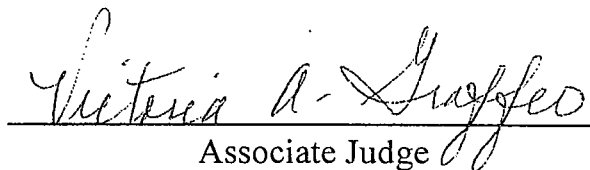
Appellant.

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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 5<sup>th</sup>, 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 C

# State of New York

## Court of Appeals

BEFORE: HONORABLE VICTORIA A. GRAFFEO, Associate Judge

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THE PEOPLE OF THE STATE OF NEW YORK,  
Respondent,

**CERTIFICATE  
DENYING  
APPLICATION FOR  
RECONSIDERATION**

-against-

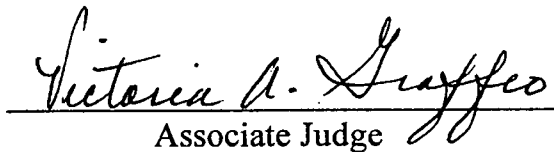
DARRELL GUNN,

Appellant.

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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 5<sup>th</sup>, 2007 certificate denying application for leave to appeal\* pursuant to section 460.20 of the Criminal Procedure Law is hereby denied.

Dated: May 4<sup>th</sup>, 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.

EXHIBIT  
1



APPendix D

# State of New York Court of Appeals

BEFORE: HON. MICHAEL J. GARCIA  
Associate Judge

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THE PEOPLE OF THE STATE OF NEW YORK,

Respondent,

-against-

DARRELL GUNN,

Appellant.

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**ORDER  
DENYING  
LEAVE**

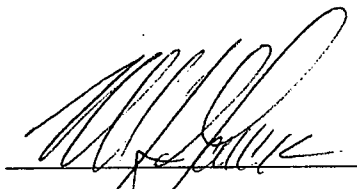
Appellant having applied for leave to appeal to this Court pursuant to Criminal Procedure  
Law § 460.20 from an order in the above-captioned case;\*

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.

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 BOAT 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.

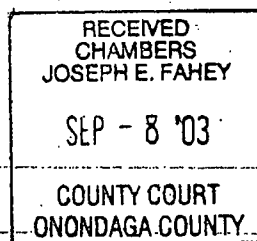
Also the 120 day extension was because George had a wedding. This has affected my case. I have not been in George's best interest. No one interviewed the child's mother who and her sister has a lot to do with this case. I informed my lawyers of facts and truth.

I DARE A. GUNN TAKE MY PLEA OF GUILTY BACK!

I TOLD TOM AND GEORGE 8/21/03 AND 8/22/03 THAT I WILL TAKE MY PLEA BACK.

Sincerely yours,  
Darrell

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!



Per

DEAR HONORABLE JUDGE FAHEY,

9/3/03

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 a SKIN WASOR due 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. BRACELOT SAYS I'M A WHITE MALE AND I'M A CAPITAL DEFENDANT VS. being 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 SON nearly 30 TIMES IN his young LIFE. I wish to <sup>have</sup> visit with him before I Leave to Live the rest of <sup>my</sup> LIFE IN NY'S 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 overwelming 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 Desparately 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