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COURT OF APPEALS
STATE OF NEW YORK

PEOPLE,

Respondent,

-against-

NO. 60

KELLEY (ANTON),

Appellant.

20 Eagle Street
Albany, New York
May 21, 2026

Before:

CHIEF JUDGE ROWAN D. WILSON
ASSOCIATE JUDGE JENNY RIVERA
ASSOCIATE JUDGE MICHAEL J. GARCIA
ASSOCIATE JUDGE MADELINE SINGAS
ASSOCIATE JUDGE ANTHONY CANNATARO
ASSOCIATE JUDGE SHIRLEY TROUTMAN
ASSOCIATE JUDGE CAITLIN J. HALLIGAN

Appearances:

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1 CHIEF JUDGE WILSON: Welcome back. Next case on
2 the calendar is People v. Kelley.

3 Counsel?

4 MR. DUFFY: Good afternoon. May it please the
5 court, I'm Casey Duffy on behalf of Appellant Anton Kelley.
6 May I please reserve two minutes for rebuttal?

7 CHIEF JUDGE WILSON: Yes.

8 MR. DUFFY: The Fourth Department's conclusion
9 that Mr. Kelley abandoned his request for new counsel is
10 both contrary to this court's precedent and contradicted by
11 the record below. In People v. Sides itself, the defendant
12 pled guilty, but the court focused on the sufficiency of
13 the court's inquiry.

14 JUDGE GARCIA: So let's say we agree that
15 hypothetically, the abandonment decision holding is error.
16 What would happen? What survives in this case?

17 MR. DUFFY: The next step would be to look at the
18 sufficiency of the court's inquiry in response to Mr.
19 Kelley's - - -

20 JUDGE GARCIA: Why didn't he waive that?

21 MR. DUFFY: I mean, I think the core of the issue
22 is whether or not his plea was voluntary.

23 JUDGE GARCIA: Yes. So let's assume that is
24 correct, that you can't waive voluntariness. This
25 abandonment assume hypothetically we say is erroneous. Why

1 would the inquiry not be waived? Because you point to
2 other cases. But waiver was an issue and was not raised in
3 those cases. So it seems the issue is voluntariness. So
4 what I'm struggling with is, so what would that mean
5 practically in a case where you've waived the inquiry
6 issue?

7 MR. DUFFY: Well, I think the core of the inquiry
8 issue is - - - I mean, is whether or not Mr. Kelley's
9 guilty plea was voluntary. I mean, I just see them as so
10 interrelated.

11 JUDGE GARCIA: So it seems to me that the
12 relationship between that and the voluntariness is the
13 conflict, right?

14 MR. DUFFY: Right.

15 JUDGE GARCIA: Not did you ask the third question
16 under Sides? It's - - - that I think is waived potentially
17 by - - - because you have a valid waiver here. No one's
18 contesting that. So how would the conflict affect
19 voluntariness?

20 MR. DUFFY: Well, given the timing of the
21 conflict between Mr. Kelley and his attorney, which
22 happened, you know, the flare-up, the real - - - the blow-
23 up happened the week before trial. Mr. Kelley's counsel at
24 that time said that he, you know, didn't know what greater
25 conflict of interest could exist. He didn't know how the

1 court expected him to represent Mr. Kelley while
2 representing himself in the grievance proceedings. I mean,
3 Mr. Kelley entered trial with counsel who didn't trust him,
4 who he didn't trust, whose relationship was irretrievably
5 broken at that point, which directly resulted in Mr.
6 Kelley's guilty plea. So I think - - -

7 JUDGE GARCIA: And what was the - - - the trial
8 court did some inquiry here, right? When the plea was
9 attempted to be withdrawn; is that accurate or no?

10 MR. DUFFY: At the time, Mr. Kelley had already
11 pled guilty.

12 JUDGE GARCIA: Right.

13 MR. DUFFY: And during the - - - well, the issue
14 of the completeness of the interrogation video was
15 addressed briefly on the record, but at that point I
16 believe it was too late in the process. Mr. Kelley had
17 already entered his plea.

18 JUDGE GARCIA: And he tried to withdraw the plea,
19 right?

20 MR. DUFFY: He did. Immediately.

21 JUDGE GARCIA: And then was there some proceeding
22 held at that point at the trial court?

23 MR. DUFFY: In the - - -

24 JUDGE GARCIA: In terms of the plea, whether he
25 should get his plea back?

1 MR. DUFFY: The court did at that point assign
2 new counsel. Affidavits were submitted. Mr. Kelley's
3 mother submitted an affidavit indicating that the day
4 before the third day of trial was set to begin, trial
5 counsel informed them that he was unprepared because he had
6 spent the evening before preparing his response to the
7 grievance committee.

8 JUDGE GARCIA: I guess my question is, did that
9 proceeding look at voluntariness of the plea?

10 MR. DUFFY: That proceeding? I mean, given all
11 the evidence submitted to the court, the purpose of it was
12 to look at whether or not the plea was voluntary. The
13 court simply, in my view, reached the wrong conclusion.

14 JUDGE GARCIA: So would the Appellate Division,
15 if we were to send this back, be looking at that proceeding
16 and see if that was correct?

17 MR. DUFFY: Whether or not the motion to withdraw
18 was incorrect? I mean, that's certainly a relevant
19 consideration.

20 JUDGE GARCIA: What else would be?

21 MR. DUFFY: Whether the plea was voluntary.

22 JUDGE GARCIA: But isn't that what that hearing
23 was?

24 MR. DUFFY: I think there are sort of, you know,
25 one and the same issue. It is all sort of bound up and

1 overlapping together. But the trial court - - - I mean, if
2 we look at the sufficiency of the inquiry, when Mr. Kelley
3 first made his request for new counsel in December '22 - -
4 - or sorry, December 2020, the trial court failed to make
5 really any inquiry at all in response to that request. Mr.
6 Kelley was not even present in the courtroom by remote
7 connection when the court exclusively questioned defense
8 counsel about the nature of the dispute. He - - - so - - -

9 JUDGE GARCIA: He knew that when this plea was
10 entered in, there was an appeal waiver. So presumably if
11 that appeal waiver is valid, that issue is - - - that
12 particular inquiry issue is waived?

13 MR. DUFFY: Well, I mean, I just - - - I just see
14 them - - - so the link between the voluntariness of the
15 plea and the inquiry itself as sort of extricable.

16 JUDGE GARCIA: Well, there's compliance with
17 Sides and the other cases right, Sides. But there's
18 voluntariness. So it seems to me the difference is the
19 issue is whatever conflict you are trying to get at or get
20 out in that inquiry or that claim, how did that directly
21 affect your plea, right? Because the Sides inquiry seems
22 different to me. This seems like, all right, there was
23 some problem here. How did that problem affect
24 voluntariness? We are claiming this conflict. You're
25 claiming there was this difficulty with your attorney.

1 It's not, did I ask five questions that I needed to ask as
2 a judge? It's okay, whatever issue you had, how did that
3 affect voluntariness? And that to me is the difference.

4 MR. DUFFY: Well, the nature of the breakdown of
5 Mr. Kelley's relationship with his attorney, how did that
6 directly result in his guilty plea?

7 JUDGE GARCIA: And how did it result in an
8 involuntary guilty plea?

9 MR. DUFFY: Because Mr. Kelley entered trial
10 after counsel had just said that he was, quote, pissed off
11 at his client. That - - -

12 JUDGE GARCIA: But it could also be that he
13 entered trial, he saw the proof against him and he decided,
14 wow, you know, I'd rather take this deal. Would that be
15 voluntary?

16 MR. DUFFY: Well, I think it would - - - it
17 points in the opposite direction. That he entered trial -
18 - -

19 JUDGE TROUTMAN: But is it just his statement
20 that he was upset with him or his indicating I can't as
21 effectively represent him because he's filed a grievance,
22 but show how - - - how did it actually impact on the plea
23 bargain itself?

24 MR. DUFFY: How did that result in Mr. - - -
25 well, he - - - the issue of the completeness of the video

1 was sort of the crux of Mr. Kelley's concern going into
2 trial and given the breakdown of his relationship with his
3 attorney and - - -

4 JUDGE TROUTMAN: So it's coercive?

5 MR. DUFFY: I think Mr. Kelley effectively had no
6 representation at that point.

7 JUDGE TROUTMAN: So he's coerced into pleading
8 guilty? Either go with who you have that you don't trust
9 or just take a plea, so you're limiting your exposure for
10 sentencing purposes?

11 MR. DUFFY: That's correct. And I think, you
12 know, his goal was to attempt to mitigate the harm that was
13 caused by the breakdown.

14 JUDGE GARCIA: But let's say same facts,
15 hypothetical. Same facts, though generally, Defendant is
16 looking at 25 to life and then goes into trial, sees some
17 proof. People come in and they say, we'll give you a year,
18 we'll knock it down to an attempted assault and we'll give
19 you a year. And is there no way a defendant could
20 voluntarily take that plea because of what's happened?

21 MR. DUFFY: Because the plea is favorable?

22 JUDGE GARCIA: No. It's - - - could the
23 defendant make a decision to - - - that's voluntary to take
24 that plea, or is because what happened before, given this
25 conflict and the grievance and the video, does that make

1 any plea involuntary?

2 MR. DUFFY: I mean, that's a good question. I
3 mean, here, I just can only see it in the way that where -
4 - - you know, in a normal case where you're looking at the
5 voluntariness of the plea, where competence of counsel and
6 strategic rationale is sort of presumed and baked into the
7 process, here Mr. Kelley really had no reliable counsel to
8 advise him of the trade-offs inherent in any of that.

9 JUDGE GARCIA: So that - - - I think your answer
10 to my question would be it would be involuntary. So no
11 matter how favorable the deal, 25 to life to a year plea,
12 the defendant could never voluntarily accept that deal and
13 plead guilty?

14 MR. DUFFY: Given what had just happened before
15 in this case, I think - - -

16 JUDGE SINGAS: You don't look at - - -

17 JUDGE RIVERA: So isn't what we're concerned with
18 is this Fourth Department rule, which seems to be a pro se
19 rule that if - - - if a defendant takes a plea, they have
20 abandoned any claim regarding the voluntariness of the
21 plea?

22 MR. DUFFY: I think it's difficult to parse the
23 logic of the Fourth Department's decision, where it says
24 essentially that, you know, normally this claim is
25 encompassed by the plea, except to the extent that it

1 implicates the voluntariness of the plea. Then, rather
2 than just look at - - -

3 JUDGE RIVERA: This claim being the - - - the
4 failure to properly inquire?

5 MR. DUFFY: Right. And - - -

6 JUDGE RIVERA: Right. But there's also another
7 sentence after the Fourth Department announces its rule,
8 when it says during the plea proceeding, Defendant did not
9 express dissatisfaction with defense counsel, which seems
10 to make clear that it's applying its existing rule here.
11 Because if you - - - if you plead guilty, you abandon any
12 claim regarding the voluntariness of the plea with respect
13 to that - - - the claim you're talking about.

14 MR. DUFFY: I mean, I think that is - - -

15 JUDGE RIVERA: You can't complain. Let me put a
16 different way. You can't complain about your lawyer. As I
17 understand the rule, maybe I misunderstood it. You or your
18 friend on the other side can clarify this for me. I
19 understand this rule to be if you take - - - after the
20 court has denied your request to substitute counsel, if you
21 take the plea, you can't complain about your counsel's
22 conduct.

23 MR. DUFFY: I think that is essentially the rule.

24 JUDGE RIVERA: So that's the rule that we're
25 trying to determine whether or not it withstands our

1 review, correct?

2 MR. DUFFY: Right. And I think that is
3 inherently in conflict.

4 JUDGE RIVERA: And if - - - and if we determine
5 that we disagree with this rule, don't we just send it back
6 and then the court can decide for itself whether or not, on
7 the merits of the underlying claim that it says, cannot be
8 presented because of the guilty plea, it agrees with the
9 defendant or it agrees with the People?

10 MR. DUFFY: I mean, I think you'd be looking at
11 the same record that was before the Fourth Department. And
12 I mean, that's not the result in People v. Sides, where it
13 is clear from the record the nature of the inquiry itself
14 and whether or not that was sufficient.

15 JUDGE RIVERA: Uh-huh.

16 MR. DUFFY: And just - - -

17 JUDGE GARCIA: I mean, I was just - - - my
18 questions were not at that initial. I assumed in my
19 hypothetical that rule was, no, we were not going to adopt.
20 But if we were to send it back, what guidance we would give
21 the court as to what they should be reviewing in terms of
22 involuntary plea. And it seems to me the argument in your
23 brief is they should do a Sides analysis, and I'm not so
24 sure why that would be.

25 MR. DUFFY: Well, I think looking at the

1 sufficiency of the inquiry is just the direction from
2 People v. Sides in a situation where - - -

3 JUDGE GARCIA: That's a legal issue in terms of
4 did the judge make the correct inquiry at that time, which
5 arguably you've waived as an appellate issue. Your issue
6 is voluntariness of the plea, and Sides is a very specific
7 type of inquiry geared at something different, right? In
8 terms of developing a record and understanding a conflict.
9 But you've waived that inquiry potentially by waiving that
10 issue on appeal. So my concern in asking the hypotheticals
11 is, since you've raised that as a standalone issue here and
12 are arguing that, what guidance should we give the
13 Appellate Division if we were to send it back?

14 MR. DUFFY: I mean, I think that's the reason
15 it's framed that way, is because the Fourth Department
16 specifically held that the - - - this claim that the court
17 didn't undertake a sufficient inquiry is automatically
18 barred by the fact that he pled guilty while represented by
19 the same person.

20 JUDGE GARCIA: Why isn't it barred by your appeal
21 waiver?

22 MR. DUFFY: Because it all goes to the
23 voluntariness of the plea, and that - - -

24 JUDGE GARCIA: The inquiry or the conflict? The
25 potential conflict that you've raised here?

1 MR. DUFFY: Well, I see that my time is up. If I
2 - -

3 CHIEF JUDGE WILSON: Please answer it.

4 MR. DUFFY: I think it - - - the conflict and the
5 inquiry and whether or not the court did the right thing in
6 response to Mr. Kelley's request for new counsel, is all
7 tied together with whether his plea was voluntary. So you
8 know, I just - - -

9 CHIEF JUDGE WILSON: But if it's - - - I guess if
10 it's all - - - I'm having the same sort of question, I
11 guess. Suppose, hypothetically, we say the Fourth
12 Department rule is wrong, right? If we sent it back and
13 say what you have to consider is whether the plea was
14 voluntary, and take all of this into account, including the
15 facts that he was asking for counsel, and it was a blow-up,
16 everything you described, if that's framed as the task for
17 the Fourth Department is it - - - was the plea voluntary,
18 is there something additional or different you would ask us
19 to tell them to do, too?

20 MR. DUFFY: Whether there was good cause for
21 substitution as a result of - - -

22 CHIEF JUDGE WILSON: And what would be the
23 consequence of that if they found that there was an error
24 there?

25 MR. DUFFY: Mr. Kelley would be entitled to a new

1 trial.

2 CHIEF JUDGE WILSON: As opposed to - - - and that
3 would be a different analysis, in your view, than whether
4 the plea was voluntary, because you keep saying it's all
5 bound up together.

6 MR. DUFFY: Correct. I think it's part and
7 parcel of the same analysis. I mean, there are so many
8 overlapping factors that it is hard to separate them all.
9 But I think the bottom line is that Mr. Kelley pled guilty
10 without effective counsel.

11 CHIEF JUDGE WILSON: Thank you.

12 MR. BASSETT: Good afternoon, Your Honors. David
13 Bassett for the People. It's our position that this Fourth
14 Department rule was properly applied in this case. The
15 defendant abandoned his request for new counsel, not just
16 by pleading guilty, but by his statements in the plea
17 colloquy that he was pleading guilty freely and
18 voluntarily.

19 CHIEF JUDGE WILSON: It's pretty hard to say that
20 he - - -

21 JUDGE HALLIGAN: Are you defending the Fourth
22 Department's what appears to be pro se rule. Or are you
23 arguing that even if that rule is not correct, that the
24 specific circumstances here show abandonment?

25 MR. BASSETT: Well, I'm arguing both. One a



1 little bit more than the other.

2 JUDGE HALLIGAN: Well, but you are defending the
3 Fourth Department's rule?

4 MR. BASSETT: Yes.

5 JUDGE HALLIGAN: You're saying? But it wasn't
6 apparent to me from your brief what your position is.

7 MR. BASSETT: I apologize, our position is - - -

8 JUDGE HALLIGAN: I'm just looking to clarify.
9 That's all.

10 MR. BASSETT: The Fourth Department's rule, which
11 has been applied repeatedly by the Fourth Department, is
12 that you look at the circumstances. And if the defendant
13 pleads guilty and expresses no dissatisfaction with his
14 attorney and is represented by the same attorney against
15 whom he previously complained, that that effectively shows
16 an intent to abandon that previous claim.

17 CHIEF JUDGE WILSON: Then why did the court
18 appoint him a new counsel later?

19 MR. BASSETT: Excuse me? That was for purposes
20 of withdrawing the plea. At that point, I think the - - -
21 the claim that he needed new counsel was more obvious and
22 clear. Whereas, when he pled guilty that was several days
23 into the trial. And then when - - - when - - -

24 JUDGE TROUTMAN: Well, what about the fact that
25 he may have felt at that point I don't trust my attorney.

1 I might as well - - - essentially feeling coerced, that I
2 don't have any choice but to plead guilty. I don't want
3 this attorney. I don't trust this attorney. He's probably
4 going to get me convicted of something even higher. So now
5 I have to take the plea. Don't we need an inquiry further
6 to see what impact the - - -

7 MR. BASSETT: That's what happened in People v.
8 Sides, Your Honor. The defendant was requesting a new
9 attorney. He was denied, and he was immediately - - -
10 immediately pled guilty. Here you have seven days pass in
11 between the final pre-trial conference - - -

12 JUDGE GARCIA: Repeatedly said, Counsel, that you
13 can't really waive a voluntariness challenge to a plea. So
14 how does he waive a voluntariness challenge? Again, even
15 if it's the specific Sides inquiry or whatever, but I pled
16 guilty and I - - - it wasn't knowing and voluntary. We've
17 said that survives a plea - - - you know, appeal waiver.
18 How does it not survive here, I'm struggling with.

19 MR. BASSETT: I agree with Your Honor, that part
20 of the claim survives. It's the Side's claim that we are
21 arguing does not survive.

22 JUDGE GARCIA: So was the Appellate Division
23 wrong? Because there seems to be language in the Appellate
24 Division that says, okay, voluntariness is now over, right?

25 MR. BASSETT: I believe they said that the

1 defendant had not shown that his plea was infected by the
2 alleged ineffective assistance and alleged conflict.
3 Therefore, there was no indication - - - there was no
4 showing that his plea was involuntary, and I would note
5 that the record strongly supports - - -

6 JUDGE GARCIA: It says to the extent Defendant's
7 contention implicates the voluntariness of the plea, we
8 conclude that Defendant abandoned his request when he
9 decided to plead guilty, while still being represented by
10 the same attorney. You can abandon a voluntary - - - you
11 can't waive a voluntariness challenge, but you could
12 abandon it?

13 MR. BASSETT: I don't particularly agree with the
14 Fourth Department's phrasing there. My intent - - - my
15 reading of it was that he's abandoning his Side's claim,
16 not a claim that the plea was involuntary.

17 JUDGE GARCIA: Well, they say that he waived that
18 Sides claim, which is a different issue as I was asking
19 your - - - your opponent. There is a valid appeal waiver.
20 But as to voluntariness, they have an abandonment theory,
21 which I think is unique and I don't understand the law - -
22 - you know, the legal reasoning behind I can't waive, I
23 cannot waive my voluntariness because it's all tied up in
24 yes, was the plea legitimate? But I could abandon it?

25 MR. BASSETT: My reading of Fourth Department's

1 previous cases on this rule is that the rule applies only
2 to a Side's claim. By pleading guilty with the same
3 attorney while expressing no dissatisfaction, you are
4 abandoning a Side's claim. Voluntariness is a separate
5 issue.

6 JUDGE HALLIGAN: But that is not, as Judge
7 Garcia, I think, was reading to you what appears to be
8 before us. I mean, what the court says, as I think Judge
9 Garcia recited to you, is to the extent that Defendant's
10 contention implicates the voluntariness of the plea, we
11 conclude that the defendant abandoned his request when he
12 decided to plead guilty while still being represented by
13 the same attorney. So you think that was error?

14 JUDGE GARCIA: I see no separate voluntariness
15 analysis there. I didn't say under all the facts and
16 circumstances we conclude - - -

17 MR. BASSETT: I would agree that language is
18 problematic. I do believe the record supports a finding
19 that this plea was voluntary. It was several days into the
20 trial, after the People had presented incriminating
21 evidence, and the defendant was offered a very favorable
22 disposition for 14 years instead of the 40 he was facing.
23 The trial judge had the ability to evaluate whether this
24 was a voluntary plea when he attempted to withdraw it, and
25 the trial judge found that the plea was made with quite a

1 bit of intelligence and was voluntary under the
2 circumstances.

3 JUDGE GARCIA: Well, should we send this back to
4 the Appellate Division for them to review that finding and
5 render an opinion?

6 MR. BASSETT: That may be appropriate. If the
7 court was to send it back, I think my friend and I are
8 somewhat in agreement that these two issues, while
9 separate, have some overlap; the Sides issue and the
10 voluntariness issue. The Fourth Department did not reach
11 the Sides issue, relying on the abandonment rule. If the
12 court finds that rule is wrong as applied to both Sides and
13 voluntariness, I think the appropriate mechanism would be
14 to send it back for them to evaluate both of those things.
15 But it's our position that the rule can be properly applied
16 here, where the circumstances show an intent to abandon the
17 Sides claim.

18 JUDGE SINGAS: I think that's what our issue is.
19 We're having trouble reconciling these two or the
20 juxtaposition of it, because usually a knowing and
21 voluntary intelligent plea, you waive certain rights,
22 including the ineffective assistance of counsel. But then
23 we say that, and I'm reading from People v. Pitkin, the
24 defendant's assertion that he was denied effective
25 assistance of counsel survives his plea only to the extent

1 that the acceptance of the plea was infected by any
2 ineffective assistance of counsel claim. So how do we
3 reconcile these two things?

4 MR. BASSETT: Well, as I argued in my brief,
5 there's really no showing by the appellant that his plea
6 was infected by ineffective assistance of counsel.

7 JUDGE SINGAS: So then, is that the inquiry that
8 gets sent back? Was any ineffectiveness - - - did that
9 poison this plea - - -

10 MR. BASSETT: I see what you mean.

11 JUDGE SINGAS: - - - versus going back to step
12 one?

13 MR. BASSETT: I see what you mean. It's a
14 slightly narrower inquiry into the voluntariness to look at
15 whether, in effect, the alleged ineffectiveness, which
16 includes Defendant's theory that the alleged conflict and
17 deficiencies of counsel created ineffective assistance,
18 whether that infected his decision to plead guilty.

19 JUDGE SINGAS: I - - - I think that - - -

20 MR. BASSETT: Obviously, it's our position that
21 it did not. But the Fourth Department didn't fully reach
22 that issue. So from our perspective, if the court is
23 inclined, remand would be appropriate to address it. Does
24 the court have any further questions?

25 CHIEF JUDGE WILSON: Thank you.

1 MR. BASSETT: Thank you.

2 MR. DUFFY: Just very briefly, I'd like to
3 address the issue of abandonment and the fact that as Mr.
4 Bassett pointed out, that Mr. Kelley never raised any
5 objection during his plea - - - plea colloquy to his
6 satisfaction with counsel. But I think it's crucial to
7 note that Mr. Kelley was never asked whether he was
8 satisfied with counsel during the course of the plea
9 colloquy. I think had he done so, had he been asked, he
10 would almost certainly said that he was not. And at that
11 point, the only option would have been to appoint new
12 counsel to advise Mr. Kelley on the validity of the plea.
13 I'd also note that Mr. Kelley had made multiple requests
14 for a new attorney. This was his second request, which was
15 raised, you know, by defense counsel's motion to withdraw
16 from the case. He - - - this - - - Mr. Sullivan was Mr.
17 Kelley's first and only court-appointed attorney - -

18 JUDGE SINGAS: So is that your only colorable
19 argument as - - - as to the involuntariness of the plea,
20 the fact that Sullivan had this conflict of interest?

21 MR. DUFFY: I think - - - I think so. I mean the
22 - - - that at least Sullivan's belief that he had a
23 conflict of interest and the things that he had said on the
24 record, you know, clearly communicating to Mr. Kelley that
25 the relationship was completely broken down.

1 JUDGE SINGAS: And then what's the bridge to the
2 involuntariness of the plea based on that conflict?
3 Because by all accounts, the plea looks like it's a good
4 plea offer and a good resolution of this case. So I'm just
5 wondering what the connection is, what you're alleging, the
6 connection is between this conflict and then the
7 involuntariness of this plea.

8 MR. DUFFY: I think Mr. Kelley's attempts to sort
9 of navigate trial by himself without representation that he
10 viewed as trustworthy and competent. At that point, he
11 decided to cut his losses and mitigate the harm and plead
12 guilty. And I'd also note that he immediately moved to
13 withdraw his plea less than two weeks after the fact, after
14 entering the plea. So I mean, I think it all points to - -
15 - you know, the context all points to the conclusion that
16 he didn't abandon his request for new counsel by pleading
17 guilty.

18 CHIEF JUDGE WILSON: Thank you.

19 (Court is adjourned)

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C E R T I F I C A T I O N

I, Leda Yeager, certify that the foregoing transcript of proceedings in the Court of Appeals of People v. Kelley (Anton), No. 60 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.



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