

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

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**KAH 23-01069**

PRESENT: LINDLEY, J.P., CURRAN, OGDEN, NOWAK, AND KEANE, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK EX REL.  
DETROIT KELLY, PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

AMY TITUS, SUPERINTENDENT, ORLEANS CORRECTIONAL  
FACILITY, RESPONDENT-RESPONDENT.

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DAVID J. PAJAK, ALDEN, FOR PETITIONER-APPELLANT.

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (RACHEL RAIMONDI OF COUNSEL),  
FOR RESPONDENT-RESPONDENT.

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Appeal from a judgment of the Supreme Court, Orleans County (Sanford A. Church, A.J.), dated April 18, 2023, in a habeas corpus proceeding. The judgment dismissed the petition.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed without costs.

Memorandum: Petitioner commenced this proceeding seeking a writ of habeas corpus pursuant to CPLR article 70, contending, inter alia, that he was improperly permitted to plead guilty while his CPL 30.30 speedy trial motion was pending. We conclude that Supreme Court properly dismissed the petition inasmuch as petitioner's contentions were or could have been raised on direct appeal or by a motion pursuant to CPL article 440 (see *People ex rel. Frederick v Superintendent, Auburn Corr. Facility*, 156 AD3d 1468, 1468 [4th Dept 2017], *lv denied* 31 NY3d 908 [2018], *lv dismissed* 32 NY3d 1218 [2019]; *People ex rel. Haddock v Dolce*, 149 AD3d 1593, 1593 [4th Dept 2017], *lv denied* 29 NY3d 917 [2017]; *People ex rel. Mills v Poole*, 55 AD3d 1289, 1290 [4th Dept 2008], *lv denied* 11 NY3d 712 [2008]). Further, the allegations in the petition do not warrant departure from traditional orderly procedure (see *People ex rel. Cole v Graham*, 147 AD3d 1350, 1351 [4th Dept 2017], *lv denied* 29 NY3d 914 [2017]; *People ex rel. Lifrieri v Lee*, 116 AD3d 720, 720 [2d Dept 2014], *lv dismissed* 24 NY3d 952 [2014], *rearg denied* 24 NY3d 1039 [2014]; *People ex rel. Hammock v Meloni*, 233 AD2d 929, 929 [4th Dept 1996], *lv denied* 89 NY2d 807 [1997]).

We have considered petitioner's remaining contention and conclude that it does not warrant reversal or modification of the judgment.

Entered: October 4, 2024

Ann Dillon Flynn  
Clerk of the Court