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## Sentencing After Evidence Based Domestic Violence Trial



**ALBANY, NY-** District Attorney P. David Soares announced today that DARNELL J. KELLUM, 26, of Albany, was sentenced to (22) years in State Prison, to be followed by (5) years of Post-Release Supervision, before the Honorable Peter A. Lynch in Albany County Court this morning.

On December 11, 2019, KELLUM was found guilty after a jury trial of (2) Counts of Burglary in the Second Degree, each Class C Felonies, (1) Count of Assault in the Second Degree, a Class D

Felony, (1) Count of Strangulation in the Second Degree, a Class D Felony, (2) Counts of Aggravated Criminal Contempt, each Class D Felonies, (3) Counts of Criminal Contempt in the Second Degree, each Class A Misdemeanors, and (1) Count of Tampering with a Witness in the Fourth Degree, a Class A Misdemeanor.

After hearing testimony and reviewing evidence at trial, the jury concluded that on December 3, 2018, while on Watervliet Shaker Road in the Town of Colonie, KELLUM intentionally caused physical injury to a person that he was barred from contacting per a duly served No Contact Order of Protection. Video played for the jury at trial showed KELLUM repeatedly kicking and striking the door of the victim's hotel room for nearly ten minutes before the door jamb finally gave way and he was able to access the room. While unlawfully inside the room, KELLUM did cause physical injury to the victim when he struck her repeatedly, and forced her head through drywall.

The jury also concluded that on January 23, 2019, in the vicinity of Troy-Schenectady Road in the Town of Colonie, KELLUM violated a duly served No Contact Order of Protection by having contact with the protected party.

In addition, the jury concluded that on February 15, 2019, KELLUM did unlawfully enter the hotel room of a victim who was known to him. While unlawfully inside the room, KELLUM did cause physical injury to the victim and whipped her about the face and head with a chain necklace, a dangerous instrument. KELLUM also intentionally impeded the victim's breathing by applying pressure on her neck which resulted in stupor. All of these acts were in violation of a duly served No Contact Order of Protection. KELLUM was apprehended after the assault and held in custody.

While in custody in the Albany County Correctional facility, KELLUM did contact the same protected party on the telephone twice, in addition to attempting to induce her to absent herself from a court proceeding.

"This matter was carefully reviewed before proceeding to trial, as we were aware that the protected party would not participate in Court proceedings. Under certain circumstances when a witness becomes unavailable there are procedures that can be followed which permit us to meet our burden through evidence based prosecution when the Court allows. The decision to proceed to trial was made after considering the benefits to public safety and our ability to ensure the safety of any victims or witnesses," commented Cecilia Walsh, Public Information Officer. "We are thankful to the Colonie Police Officers, medical staff, and crime victim advocates who assisted this victim."

Assistant District Attorney Ariel Fallon of the Special Victims Unit is handling the prosecution of this case.

For more information please contact Cecilia Walsh at (518) 275-4710 or [cecilia.walsh@albanycountyny.gov](mailto:cecilia.walsh@albanycountyny.gov).



If you or someone you know is in need of help please contact:  
Albany County Crime Victims and Sexual Violence Center (518) 447-7100  
Equinox Domestic Violence Services 24 Hour Hotline (518) 432-7865  
24 Hour Domestic Violence Hotline 1-800-799-SAFE (7233)

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