

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

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THE PEOPLE OF THE STATE OF NEW YORK,

:

Respondent,

AFFIRMATION IN SUPPORT
: OF MOTION TO PROCEED
AS POOR PERSON ON
: APPEAL

-against-

: _____ COUNTY

Ind. No. _____

Defendant-Appellant.

:

-----X

STATE OF NEW YORK)

_____ COUNTY) ss.:

_____, an attorney being duly admitted to practice before the courts of this State, hereby affirms under penalty of perjury that the following statements are true, except those made on information and belief, which s/he believes to be true:

1. I represented defendant-appellant _____ in proceedings in Supreme Court, _____ County, that resulted in a judgment of conviction dated _____ under Ind. No. _____. A notice of appeal has been filed in this case.

2. I make this affirmation in support of defendant-appellant's motion for poor person's relief and for the assignment of counsel to represent him on his appeal from the _____, 20__ judgment of conviction.

3. On information and belief, defendant-appellant cannot afford to hire appellate counsel. I was assigned to represent him in Supreme Court and his financial situation has not improved. Since the conclusion of the proceedings below, defendant-appellant has been

incarcerated. I am attaching, as an exhibit hereto, a notarized affidavit in which defendant-appellant explains the amount and sources of his income and his property.

4. Because defendant-appellant is unable to afford the costs of appealing his conviction, the Court should assign counsel on appeal.

WHEREFORE, I respectfully request this Court issue an order: granting poor person's relief; assigning counsel to the appeal from the _____, 20__, _____ County judgment of conviction; directing the court reporter to transcribe and file the minutes of the proceedings below; and granting such other and further relief as this Court deems appropriate.

[Name]

Dated: _____, New York
[date]