



COURT ADDRESS: _____

The People of the State of New York

Application for Permission to Apply for Resentencing [CPL §440.47]

vs. _____

Indictment/SCI Number: _____

NYSID: _____

AKA(s): _____

DIN: _____

Sex: _____ Race: _____ DOB: _____

Youthful Offender: YES NO

I was convicted of a felony in this court in the above case, and I was sentenced as follows:

Sentencing Date: _____

Sentencing Judge: _____

Pursuant to the following sworn statement, I assert that I am eligible for resentencing under subdivision one of section 440.47 of the criminal procedure law, and I am requesting permission to apply for resentencing because, at the time the crime was committed:

- 1. I was a victim of substantial physical, sexual or psychological abuse. Yes No
- 2. The person who abused me was:
 - Someone I am or was married to. Yes No
 - Someone I am or was engaged to be married to. Yes No
 - Someone related to me by blood or adoption. Yes No
(For example, a parent, brother, sister, aunt, uncle or cousin.)
 - Someone I lived in the same home with. Yes No
 - Someone I have a child with. Yes No
 - Someone I have or had an intimate relationship with regardless of whether I lived with them. Yes No
(For example, a boyfriend, girlfriend or sexual partner.)
- 3. The abuse was a significant contributing factor in my behavior. Yes No

Eligibility for Resentencing

Answer all the following questions about the conviction you want to be resentenced for:

- 1. Are you currently incarcerated with the New York State Department of Correction and Community Supervision (DOCCS) for this case? Yes No
If yes, in what correctional facility? _____
DIN: _____
- 2. Are you serving: a) an indeterminate sentence with a minimum of eight years or more or b) a determinate sentence of eight years or more? Yes No
If yes, what is your sentence? _____
- 3. Was the crime committed before August 12, 2019? Yes No
If yes, what was the date of the crime? _____
- 4. Were you sentenced as a Second Violent Felony Offender or Persistent Violent Felony Offender? Yes No
- 5. Were you convicted of any of the following crimes?
 - Murder in the First Degree under Penal Law section 125.27 Yes No
 - Aggravated Murder under Penal Law section 125.26 Yes No
 - Murder in the Second Degree under Penal Law section 125.25(5)¹ Yes No
 - A crime of terrorism under Penal Law sections 490.10, 490.15, 490.20, 490.25, 490.30, 490.35, 490.37, 490.40, 490.45, 490.47, 490.50 or 490.55 Yes No
 - An attempt or conspiracy to commit any of the crimes listed above Yes No
 - A crime that requires you to register as a sex offender Yes No

If you checked "No" for all the crimes listed above, what crime(s) were you convicted of?

Assignment of Counsel

If you are asking for a court-appointed attorney, answer all the following questions:

- 1. Can you afford to hire an attorney to assist you with your resentencing motion? Yes No
- 2. How much money do you earn per week (if any)? \$ _____
- 3. What is the total amount of money in your commissary account and bank account (if you have one)? \$ _____
- 4. What is the total value of personal property (car, jewelry, etc.) and real property (land, apartment, house, etc.) that you own? \$ _____
- 5. Do you get any of the following?

¹ Murder in the second degree under PL §125.25(5) is someone over 18 years old who killed a child under 14 years old while engaging in rape, a criminal sexual act, sexual abuse or incest against the child.

- Unemployment benefits Yes No
- Pension Yes No
- Alimony or support Yes No
- SSI or Social Security Disability Yes No

6. Do you have any other sources of income?
If yes, please explain: Yes No

7. Who represented you in this case when you were convicted? (check one)

- Public Defender or Legal Aid Society
- 18-B court-appointed attorney
- Private attorney

If you checked "private attorney":
Where did you get the money to pay your attorney?

Why can't you afford to pay an attorney now?

8. During the proceedings in court before you were sentenced, were you:

- Incarcerated
- Released on your own recognizance (ROR)
- Released on bail

If you checked "released on bail":
What was the amount of bail? \$ _____
Who posted the bail? Name: _____
If someone else posted the bail for you, what is their relationship to you? _____
Why can't you use the bail money to pay for an attorney now?

For the reasons above, I respectfully request permission to submit a motion for resentencing under CPL §440.47(1)(a).

(Optional – check if applicable): **If the court finds I am eligible and gives me permission to apply for resentencing under section 440.47 of the criminal procedure law, I am requesting an assigned attorney pursuant to CPL §440.47(1)(c) to represent me for my resentencing motion.**

****YOU MUST SIGN THIS FORM IN FRONT OF A NOTARY PUBLIC – DO NOT SIGN UNTIL THE NOTARY PUBLIC IS PRESENT****

Applicant Signature

Sworn to before me this _____ day of _____, 20____.

Notary Public

FOR COURT USE ONLY – DO NOT WRITE BELOW THIS LINE

Determination of Application for Permission to Apply for Resentencing pursuant to CPL §440.47:

Permission Denied – Applicant is INELIGIBLE, and application is hereby dismissed without prejudice.
Reasons (if provided): _____

Permission Granted – Applicant is ELIGIBLE.
If the applicant requested assignment of counsel, the court hereby further determines that the applicant is:

- INELIGIBLE for assigned counsel and the request is DENIED
- ELIGIBLE for assigned counsel and the request is GRANTED, and the court assigns counsel as follows:
Name: _____
Address: _____
Phone: _____ Email: _____

SO ORDERED:

Dated: _____ _____
Judge Signature

Judge Name