

STATE OF NEW YORK

SUPREME COURT

APPELLATE DIVISION

THIRD DEPARTMENT

THE PEOPLE OF THE STATE OF NEW YORK,

Respondent,

v

**Motion for Extension
of Time to Perfect
Appeal**

Appellant.

PLEASE TAKE NOTICE that, upon the annexed affidavit dated the ____ day of

_____, 20 _____, a motion pursuant to § 800.14 (c) of this Court's Rules of Practice will

be made to this Court, at a term hereof to be held in the City of Albany, New York, on the ____ day of

_____, 20 _____, for an order granting an extension of time to perfect the appeal.

AFFIRMATION IN SUPPORT OF MOTION

_____, Esq., an attorney admitted to practice law in the State of New York, affirms the following to be true, under penalty of perjury:

1. That I was assigned by this Court by order dated _____ to represent appellant upon this appeal.
2. That this affirmation is made in support of a motion for an extension of time to perfect the appeal.
3. That the appeal is from a judgment of the _____ County Court, rendered _____, convicting defendant after trial/guilty plea* of the crime(s) of _____

4. A notice of appeal was filed on _____.
5. Defendant is incarcerated/free on bail.*
6. That the County Clerk ordered two copies of the minutes from the court reporter(s) on _____.
7. That the minutes were taken by the following court reporter(s):

* Strike out whichever is inapplicable.

8. That the complete minutes were filed on _____.
9. That court reporter(s) _____.

has/have* not filed the following minutes:** _____

_____, but has/have* informed affiant that they will be filed by _____.

10. That an extension of time to perfect the appeal is being sought for the following reasons:
- _____
- _____
- _____

WHEREFORE, affiant requests an extension of time to perfect the appeal in this matter to _____.

Dated: _____

(Signature) _____

(Print Name) _____

(Address) _____

(Telephone) _____

* Strike out whichever is inapplicable.

** Identify by date and nature; i.e., arraignment, suppression, trial, plea, sentence

*** Proof of Service upon the District Attorney and appellant must be filed with motion.

AFFIDAVIT OF SERVICE OF MAILING

STATE OF NEW YORK)
 COUNTY OF _____) ss.:

_____, being duly sworn, deposes and says:

On the _____ day of _____, 20____, I served a true copy of the annexed notice of motion and supporting affidavit by mailing the same in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known addressee(s) as indicated below:

(Insert here the name[s] and address[es] of the person[s] to whom you are mailing the papers being filed with this Court. If necessary, attach extra pages for additional names and addresses.)

Name & Address	Name & Address

(Signature) _____

(Print Name) _____

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

 Notary Public