

Please fill in the underlined spaces on the following form with answers appropriate to your motion. Motions are returnable in this Court on a Monday (or if a Monday falls on a holiday, on the next business day). You must give 13 days' notice (prior to the return date) if you serve the office of the District Attorney by mail or eight days' notice if you use personal service. Return the original motion papers to this office (addressed to Supreme Court, Appellate Division, Third Judicial Department, P.O. Box 7288, Capitol Station, Albany, NY 12224-0288), serve the office of the District Attorney with one copy, and provide this office with proof of service.

STATE OF NEW YORK SUPREME COURT  
APPELLATE DIVISION THIRD DEPARTMENT

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THE PEOPLE OF THE STATE OF NEW YORK,

MOTION FOR

v

Appellate Division  
Case No.:

\_\_\_\_\_,  
Defendant .

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PLEASE TAKE NOTICE that, upon the annexed affidavit sworn to the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a motion will be made at a term of this Court to be held in the City of Albany, New York on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, for an order (*Specify relief which you seek.*): \_\_\_\_\_

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Dated: \_\_\_\_\_

(Signature) \_\_\_\_\_

(Print Name) \_\_\_\_\_

(Address) \_\_\_\_\_

(Telephone) \_\_\_\_\_

**AFFIDAVIT IN SUPPORT OF MOTION**

STATE OF NEW YORK

COUNTY OF \_\_\_\_\_ ss.:

\_\_\_\_\_, being duly sworn, deposes and says:

1. I am the \_\_\_\_\_ in the above-entitled action. I have appealed to the Appellate Division from an order or judgment of the \_\_\_\_\_ Court of \_\_\_\_\_ County, dated \_\_\_\_\_ .  
(specify the status of the appeal.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. By this motion I seek the following relief: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The grounds for the motion and reasons the relief should be granted are  
(attach additional documentation, if necessary.): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(Signature) \_\_\_\_\_

(Print Name) \_\_\_\_\_

Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_\_ .

\_\_\_\_\_  
Notary Public

**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