

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION, FOURTH DEPARTMENT

THE PEOPLE OF THE STATE OF NEW YORK)	NOTICE OF MOTION FOR POOR PERSON RELIEF AND ASSIGNMENT OF COUNSEL ON <u>HABEAS CORPUS</u> APPEAL
EX REL _____,)	
Petitioner-Appellant,)	
V) # _____	
)	(Insert Index Number)
)	
Respondent-Respondent.)	
)	

PLEASE TAKE NOTICE, that upon the annexed affidavit(s), the undersigned will move this Court at a term of the Appellate Division, 50 East Avenue, Rochester, New York, 14604 on the (insert appropriate return date) ____ day of _____, 20 ____, for an order granting appellant leave to appeal as a poor person and assignment of counsel from an order of the _____ Court (Hon. _____, J.), entered on _____, 20 ____, set forth in the accompanying notice of appeal.

PLEASE TAKE FURTHER NOTICE, that this motion will be submitted without oral argument (see 22 NYCRR 1250.4 [a] [8]). The original answering affidavits, if any, must be filed with the Court by 4:00 p.m. of the business day preceding the return date (see 22 NYCRR 1250.4 [a] [5]).

Dated: _____, 20__

(Name and address of moving party or attorney)

TO: _____ County Attorney

and

Names and addresses of opposing parties and/or attorneys
(Use additional sheet if necessary)

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION, FOURTH DEPARTMENT

THE PEOPLE OF THE STATE OF NEW YORK)	AFFIDAVIT IN SUPPORT OF
EX REL. _____,)	MOTION TO APPEAL AS A
Petitioner-Appellant,)	POOR PERSON AND FOR
)	ASSIGNMENT OF COUNSEL ON
V)	A <u>HABEAS CORPUS</u> APPEAL
)	
_____.)	# _____
Respondent-Respondent)	(Insert Index Number)
_____)	

STATE OF NEW YORK
COUNTY OF _____ ss:

_____, being duly sworn, deposes and says:

1. I am the appellant herein and I hereby apply to the Appellate Division, Fourth Department, for permission to appeal as a poor person and for an attorney to be assigned to represent me on appeal from an order entered in a habeas corpus proceeding.

2. I was served by respondent/counsel for respondent with a copy of the order being appealed on (insert date) _____ (**Attach copy of order being appealed**).

3. I filed a notice of appeal with the County Clerk's Office on (insert date) _____ (**Attach a copy of notice of appeal with date-stamp from the County Clerk's Office**).

4. I served respondent/counsel for respondent with a copy of the notice of appeal on (insert date) _____ (**Attach an affidavit of service of notice of appeal on respondent or counsel for respondent**).

5. My present mailing address is _____

6. I currently support _____ dependants in my present household, not including myself.

7. The following is a summary of my financial status:

A. PRESENT INCOME (If none, write none. Do not use "ditto" marks. Figures should reflect NET monthly income.)

	<u>Appellant/Respondent</u>	<u>Spouse</u>
Employment Income	_____	_____
Place of employment	_____	_____
Length of employment	_____	_____
Unemployment benefits	_____	_____
Disability benefits	_____	_____
Social Security benefits	_____	_____
Pension benefits	_____	_____
Veterans and/or active service benefits	_____	_____
Welfare or SSI benefits	_____	_____
Alimony or support	_____	_____
Rental income	_____	_____
Other	_____	_____
TOTAL	_____	_____

B. ASSETS (Must be completed)

Amount in savings, checking, trust accounts	_____	_____
Location of same	_____	_____
Cash on hand	_____	_____
Vehicles owned:	_____	_____
value	_____	_____
amount owing	_____	_____
Real estate owned:	_____	_____
description	_____	_____
value	_____	_____
amount owing	_____	_____
Other	_____	_____
TOTAL	_____	_____

C. PRESENT OBLIGATIONS: (Figures should reflect monthly payments made. Must be completed.)

Rent/Mortgage	_____	_____
Alimony/Support	_____	_____
Medical	_____	_____
Other (description)	_____	_____
	_____	_____
	_____	_____
	_____	_____
TOTAL	_____	_____

(Sign your name above)

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

NOTARY PUBLIC/COMMISSIONER OF DEEDS

My commission expires: _____

**NOTE: RETURN THE ORIGINAL COMPLETED FORM TO YOUR ATTORNEY OR
FILE THE ORIGINAL COMPLETED FORM WITH THE APPELLATE
DIVISION WITH A COPY OF THE ORDER APPEALED AND AN AFFIDAVIT OF
SERVICE OF COPIES ON ALL NECESSARY PARTIES.**

**SUPREME COURT, APPELLATE DIVISION, FOURTH DEPARTMENT
50 EAST AVENUE, SUITE 200, ROCHESTER, NEW YORK 14604**

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION, FOURTH DEPARTMENT

THE PEOPLE OF THE STATE OF NEW YORK)
EX REL. _____)
Petitioner-Appellant,)

V)

_____.)
Respondent-Respondent.)
_____)

**AFFIDAVIT OF SERVICE BY
MAIL OF MOTION FOR POOR
PERSON RELIEF AND
ASSIGNMENT OF COUNSEL ON
A HABEAS CORPUS APPEAL**

(Insert Index Number)

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

_____, being duly sworn, deposes and says that (s)he
is not a party to this action, is over 18 years of age, and resides at _____
_____.

That on the ___ day of _____, 20___, your deponent served the
within Notice of Motion for Permission to Appeal as a Poor Person and for Assignment
of Counsel and supporting papers by depositing a true copy thereof enclosed in a post-
paid wrapper in an official depository under the exclusive care and custody of the U.S.
Postal Service within New York State, addressed to each of the following parties and/or
their attorneys at the last known address set forth after each name:

(PRINT NAME BELOW SIGNATURE)

Sworn to before me this
_____ day of _____, 20___

NOTARY PUBLIC/COMMISSIONER OF DEEDS

My commission expires: _____