

**PROCEDURE FOR REQUEST TO TRANSFER CASES TO
SUPERIOR COURT FOR DRUG TREATMENT FROM
CITY/TOWN/VILLAGE COURTS IN CORTLAND COUNTY**

1. If a defendant is to be considered for entry into the Superior Court for Drug Treatment, the attorney for the defendant should contact Julie Nedza and request that she assess the defendant as to their eligibility/appropriateness for drug treatment court. Julie will also consult with the drug treatment court team regarding the defendant's eligibility.
2. If the District Attorney's Office and the defense attorney reach a plea agreement that includes the defendant's entry into drug treatment court, then the defense attorney shall file a motion with the local court where the case is pending asking that the local court grant an order transferring copies of the documents in the proceeding to the Superior Court for Drug Treatment (which is Cortland County Court). Attached are forms that may be used for this motion.
3. The local court may grant this motion, but is not required to.
4. If the local court grants the motion, **then the local court judge needs to transfer copies of the papers and documents in the proceeding** to the Superior Court for Drug Treatment (i.e., County Court).
5. Once received by the County Court Clerk, the papers sent by the local court shall be presented to the Hon. Elizabeth A. Burns for consideration.
6. Within 5 days Judge Burns will make a determination as to whether or not the case will be transferred to the Superior Court for Drug Treatment.
7. If Judge Burns determines that the case should be transferred, the court will enter an order and send it to the local court who will then transfer all original documents in the proceeding to the Superior Court for Drug Treatment, 46 Greenbush Street, Suite 31, Cortland, New York 13045. All future proceedings will be conducted in the Superior Court for Drug Treatment.
8. If Judge Burns determines that the case should not be transferred, the court will issue an order and the case will remain in the local court for proceedings in accordance with the law.

**STATE OF NEW YORK
CITY COURT: CITY OF CORTLAND**

People of the State of New York,

-vs-

**NOTICE OF MOTION
FOR TRANSFER OF CASE TO
SUPERIOR COURT FOR DRUG
TREATMENT**

Docket/Case No.: _____

_____,
Defendant.

1. **PLEASE TAKE NOTICE**, that upon the attached affirmation of _____, Esq., affirmed under penalty of perjury on _____, 20____, and the exhibits attached thereto, and upon all proceedings in this case to date, the defendant, _____, will move this court at _____ o'clock in the _____ noon on _____, 20____, at the _____ Town Courthouse, located at _____, New York requesting an order sending copies of all papers and other documents filed in said local criminal court in connection with the criminal action(s) or proceeding(s) pending therein against the defendant, to be sent to the Superior Court for Drug Treatment for Cortland County, and for that court to make a finding that it would promote the administration of justice for this action/proceeding to be transferred to Superior Court for Drug Treatment, and to transfer this action/proceeding to the Cortland County Superior Court for Drug Treatment, and for such other and further relief as to the court seems just and proper.

Dated: at _____, New York
_____, 20____

Respectfully Submitted,

(print name, address and phone number below)

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**STATE OF NEW YORK
CITY COURT: CITY OF CORTLAND**

People of the State of New York,

-vs-

**AFFIRMATION IN SUPPORT
OF MOTION FOR SENDING
CASE DOCUMENTS TO SUPERIOR
COURT FOR DRUG TREATMENT**

_____,
Defendant.

Docket/Case No.: _____

_____, Esq., affirms under penalty of perjury as follows:

1. I am the attorney for the above named defendant and am fully familiar with the facts and circumstances stated herein.
2. This affirmation is made in support of the request for this Court to cause copies of the papers and other documents filed in this court in connection with the criminal action(s) or proceeding(s) pending in this court, to Cortland County Court as the Superior Court for Drug Treatment, and for that court to make a finding that it would promote the administration of justice for this action/proceeding to be transferred to Superior Court for Drug Treatment, and to transfer this action/proceeding to the Cortland County Superior Court for Drug Treatment.
3. Defendant is (choose whichever option is applicable, or both if defendant has a violation of probation and other charges):
_____ charged with the following charges in this court: _____,
and/or
_____ charged with a violation of probation.

4. The consent of the Hon. Patrick Perfetti, Cortland County District Attorney is contained in the letter attached hereto as Exhibit A wherein a plea offer is made conditioned upon the defendant entering drug treatment court.
5. The defendant has been assessed by Julie Nedza, the Treatment Court Coordinator, and found to be appropriate for drug treatment court.
6. The reasons why a transfer to Cortland County Superior Court for Drug Treatment of this action/proceeding would promote the administration of justice are _____ or are set forth in Exhibit A.
7. **WHEREFORE**, your Affirmant requests that this court grant defendant's motion for an order sending copies of all papers and other documents filed in this court in connection with the criminal action(s) or proceeding(s) pending herein against the defendant, to the Superior Court for Drug Treatment for Cortland County, and for that court to make a finding that it would promote the administration of justice for this action/proceeding to be transferred to Superior Court for Drug Treatment, and to transfer this action/proceeding to the Cortland County Superior Court for Drug Treatment, and for such other and further relief as to the court seems just and proper.

Dated: _____, 20__

(print name, address and phone number below)

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