

Instructions for E-Filing a Criminal Matter Appellate Division, Third Judicial Department

These instructions will assist you with e-filing a criminal matter with the Appellate Division, Third Judicial Department. The instructions are not meant to be a substitute for the Electronic Filing Rules of the Appellate Division. Please consult the e-filing rules ([22 NYCRR 1245](#)).

I. How do I Register the Notice of Appeal?

Go to [NYSCEF](#) and log in¹

- Under the "File Documents" tab click on "Appellate Court"
- Under "Prior to Perfection" heading click the link to "Record Initial Case Info" (Appellant)
 - Select "Appellate Division - 3rd Dept" and click "next"
 - Use drop down arrows to select County and Court. Use Criminal/County Court (*even if the defendant was sentenced in Supreme Court*) and click "next"
- On Screen labeled "Enter Information from Court of Original Instance"
 - For "Case Type" select criminal (**please note that you may need to select "440 motion" as the option for case type, even if your appeal is not a CPL 440 appeal. The NYSCEF system is currently being updated).
 - For "Court Number" enter indictment number
 - For "Court Judge" enter sentencing judge
 - For "Order Appealing from Date" enter date of sentencing if judgment of conviction; enter order date if appeal from an

¹ Please see instructions of NYSCEF home page in regard to log in information.

order dismissing indictment, denial of CPL 440 or SORA appeal

- For "Date Order Entered" enter date of sentencing if appeal from judgment of conviction; enter entry date of order if appeal from an order dismissing indictment, denial of CPL 440 or SORA appeal
- For "Notice of Appeal Date" enter date of notice of appeal
- For "Date Notice of Appeal Filed" enter date notice of appeal was filed
- For "Has this case been e-filed" select "no" and click "Next"
- On Screen labeled "Add Parties":
 - Under Plaintiffs/Petitioners

Business/Organization name - enter PEOPLE OF THE STATE OF NEW YORK

Appellate Role - use drop down arrow to select appellant or respondent

- Under Defendants/Respondents

First Name - defendant's first name

Middle Name - add initial if indictment includes defendant's initial (if available)

Last Name - enter defendant's last name

Appellate Role - use drop down arrow to select appellant or respondent

- Click "Next"
- On Verify Full Caption Screen, check caption and if correct click "next"; if edits are required, click edit.
- On Screen "Consent"

- Click box next to party you are representing
 - Click "Next"
- On Screen "Add Documents":
 - Select document type from the drop-down menu, select "Copy of Notice of Appeal with Proof of Filing/Information Statement"
 - Under "File Name", click "Browse" and upload a PDF copy of the Notice of Appeal; no informational statement is required
 - Click "next"
- On next screen, for document 2, select "Copy of Order/Judgment Appealed From":
 - Where the appeal is from an order (SORA appeal, order dismissing indictment, CPL 440 denial), upload PDF copy of the order on appeal. Where the appeal is from the judgment of conviction, upload a PDF of the order assigning counsel or, if counsel has not been assigned, upload a PDF of the notice of appeal (again)
 - Click "Next" and then "SUBMIT" - You will receive an assignment of case number from the Court (which is the same case number previously assigned to the appeal)
 - Note that within 7 days of assignment of case number through the NYSCEF system, appellant must serve the respondent with a hard copy Notification of Case Number and e-file affidavit of service. The Notification of Case Number Form is available at the Third Department's website:
<https://iappscontent.courts.state.ny.us/NYSCEF/live/forms.htm#FormsAppellate>

II. How do I Perfect the Appeal?

- Log in to NYSCEF
- Under the "File Documents" tab, click the link to "Appellate Court"
- Under the heading "Perfect an Appeal" click the link to "Perfect an Appeal"
- Enter appellate case number and under appellate court use drop down menu to select Third Department
- On next screen, most information should be prepopulated; you must enter information regarding requested oral argument time and select "next"
- Under "main document" select "record on appeal" from the document type drop-down menu. Please note that you must upload the record first as the main document. If you do not upload the record as the main document, you will not be given the option of uploading the record as an additional document
- Under file name, click browse to select the file to upload
- Additional document information may be added (Volume I, Volume II, etc.)
- Click "next" at the bottom of the page
- Under the "Document 2" heading select "appellant's brief" from the document type drop-down menu
- Under "file name" click "browse" to select file to upload
- Add additional document information if applicable (brief and appendix if filing as one)
- Upload a copy of the notice of appeal (again) to bypass filing fees. Under "document type" select "No Fee Authorization (Letter/Order/Affirmation)"

- When finished adding documents select the "next" button at the bottom of the page
- At the enter payment information page, enter "no fee"
- Click the "next" button at the bottom of the page
- At the Review Your Filing Page once you have reviewed the information entered click to check the acknowledgement box and then click "file documents" at the bottom of the page
- You will see a confirmation page to confirm that your filing has been uploaded into the system
- Upon review by a clerk, you will receive an e-mail through NYSCEF advising you that your filings have been accepted and directing you to mail in hard copies within 2 business days of the clerk's notification

III. How do I register respondent's participation in case?

Go to [NYSCEF](#) and login

- Under the "File Documents" tab click on "Appellate Court"
- Under "Prior to Perfection", select "Enter Contact Information for Respondent and Other parties"
- Under "Enter Case Information" Screen:
 - Enter Appellate Division Case number, and under "Court" use drop down menu to select "Appellate Division-Third Department".
 - Click "Next"
- Under "Represent" screen:
 - Select the party you are representing by putting check mark in box next to name and use drop down menu under appellate role and select "Respondent."

- Click "Represent"

You will now see the association of who you are logged in as with the proper representation. When finished, click "Home"

- Please note that a respondent must register his or her contact information in NYSCEF within 20 days of service of the notification of case or docket number

IV. How do I file a proposed record on appeal, respondent's brief, motion, application or letter? ²

Log in to NYSCEF

- Under the "File Document" tab click "Appellate Court"
- Under Screen "Appellate Division E-filing", select "File to Existing Appeal"
- Under Screen "Enter Appeal Information":
 - In "Appellate Case Number" enter appeal number
 - In "Appellate Court" use drop down menu to Select Third Department
 - In "I am Filing" select document that you are filing
 - Click the "next" button at the bottom of the screen

² NYSCEF is being updated to allow for the filing of a proposed record in criminal matters, however it is not an available option at this time. Once that option is made available, a proposed record can be uploaded through NYSCEF for the purpose of serving respondent's counsel with the record, and to avoid the need for service of a hard copy. The e-filing of a proposed record does not satisfy the requirement of the e-filing of the Record on Appeal.

- Under "main document" select the document type from the drop-down menu
- Under "file name" click "browse" and select the file to upload
- Click "next" button at the bottom of the page
- Add additional documents, if any. When finished click the "next" button at the bottom of the page
- Click to check the acknowledgement box
- Click the "file documents" button at the bottom of the page

Dated: October 15, 2020