



*State of New York  
Court of Appeals*

*Stuart M. Cohen  
Clerk of the Court*

*Clerk's Office  
Albany, New York 12207-1095*

**October 12, 2004**

**NOTICE TO THE BAR**

**By order dated October 12, 2004, the Court of Appeals approved an addendum to the Capital Case Data Report Form required by Judiciary Law §211-a. The addendum was necessary to capture data about post-conviction activity in cases entered into the Capital Case Database pursuant to that statute. A copy of the Court's order is attached.**

**Stuart M. Cohen  
Clerk of the Court**

# State of New York, Court of Appeals

At a session of the Court, held at Court of  
Appeals Hall in the City of Albany  
on the..... 12<sup>th</sup>..... day  
of..... October, 2004.....

**Present,** HON. JUDITH S. KAYE, *Chief Judge, presiding.*

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**In the Matter of**

**An Addendum to the CAPITAL CASE DATA REPORT FORM**

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Acting pursuant to the authority invested in this Court, it is hereby

ORDERED, effective immediately, that the Capital Case Data Report Form required by Judiciary Law § 211-a is revised by adopting the attached Post Conviction Activity Addendum and, as revised, is approved.



*Judith S. Kaye*  
\_\_\_\_\_  
Chief Judge Judith S. Kaye

*George Bundy Smith*  
\_\_\_\_\_  
Associate Judge George Bundy Smith

*Carmen Beauchamp Ciparick*  
\_\_\_\_\_  
Associate Judge Carmen Beauchamp Ciparick

*Albert M. Rosenblatt*  
\_\_\_\_\_  
Associate Judge Albert M. Rosenblatt

*Victoria A. Graffeo*  
\_\_\_\_\_  
Associate Judge Victoria A. Graffeo

*Susan Phillips Read*  
\_\_\_\_\_  
Associate Judge Susan Phillips Read

*Robert S. Smith*  
\_\_\_\_\_  
Associate Judge Robert S. Smith

*Stuart M. Cohen*  
\_\_\_\_\_

ATTEST: Stuart M. Cohen  
Clerk of the Court

**Capital Case Data Report  
Post Conviction Activity Addendum ("PCAA")**

This Post Conviction Activity Addendum concerns the case of:

PEOPLE OF THE STATE OF NEW YORK against \_\_\_\_\_

\_\_\_\_\_ COURT, COUNTY OF \_\_\_\_\_

Indictment No. \_\_\_\_\_

52. Most recent appellate court:

- 1<sup>st</sup> Department
- 2<sup>nd</sup> Department
- 3<sup>rd</sup> Department
- 4<sup>th</sup> Department
- Court of Appeals

53. Most recent appellate case no.: \_\_\_\_\_

54. Date most recent appeal taken: \_\_\_/\_\_\_ \_\_\_/\_\_\_ \_\_\_/\_\_\_

55. Most recent appellate court disposition date: \_\_\_/\_\_\_ \_\_\_/\_\_\_ \_\_\_/\_\_\_

56. Most recent appellate court disposition (check all that apply):

- (a) Reversed Judgment
- (b) Modified Judgment
- (c) Reversed Sentence
- (d) Modified Sentence
- (e) Other \_\_\_\_\_

57. Upon a new disposition, specify all Penal Law section(s) under which the defendant was convicted (include subdivisions, paragraphs, etc.):

1. §125.27 (1) (a)(\_\_\_\_) \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_

(attach additional listing if necessary)

58. (a) Did the appellate court order a new trial?  Yes  No

(b) If yes, date of plea or verdict: \_\_\_/\_\_\_/\_\_\_

59. (a) Did the appellate court order a new or re-sentencing?  Yes  No

(b) If yes, date of sentence: \_\_\_/\_\_\_/\_\_\_

(c) Specify any sentence thereby imposed:

- 1. Death
- 2. Life imprisonment without parole
- 3. Other (specify most severe sanction): \_\_\_\_\_

(d) Judge who imposed the sentence \_\_\_\_\_

60. (a) Did a new sentence result from a separate sentencing proceeding held pursuant to CPL §400.27?  Yes  No

(b) If yes, was:

- 1. Sentence imposed by a judge
- 2. Sentence determined by the same jury that determined guilt
- 3. Sentence determined by separate sentencing jury

61. (a) If yes, was evidence presented concerning the special statutory aggravating factor (i.e., defendant previously convicted of felonies)?  Yes  No

(b) If yes, specify section(s) of Penal Law for New York felonies, or, if out-of state or Federal felony, name of felony:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

(attach additional listing if necessary)

(c) If evidence was presented, was it found by the jury?

Yes

No

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By: \_\_\_\_\_  
(signature)

Date: \_\_\_\_\_  
(month) (day)(year)

circle one: Chief Clerk

Deputy Chief Clerk