

# State of New York Court of Appeals

## FORM LETTER APPLICATION FOR LEAVE TO APPEAL IN A CRIMINAL CASE PURSUANT TO CPL 460.20

### *Instructions*

The following form letter applications are for pro se defendants seeking leave to appeal to the Court of Appeals in criminal matters. Before filing a criminal leave application, pro se litigants should read Court of Appeals Rule (22 NYCRR) 500.20. Please note that the rules of all four Appellate Division Departments require counsel assigned or retained in the Appellate Division to submit the application for leave to appeal on defendant's behalf if defendant so requests. However, a defendant may file the application pro se if the defendant so chooses.

The following documents must be included with the letter application:

- (1) one copy of each brief submitted by the parties below, including pro se supplemental briefs (if briefs were not filed by either party, please so advise),
- (2) the order and decision of the intermediate appellate court sought to be appealed, and
- (3) all other relevant opinions of the courts below and any papers to be relied upon in furtherance of the application.

The letter application must indicate that a copy of the application has been sent to the appropriate District Attorney (or other adverse party). It is not necessary for the application letter to be notarized.

Poor person relief, including the assignment of counsel, is not available on a criminal leave application. If a Judge grants the application for leave to appeal, the defendant may move for assignment of counsel on the appeal.

If the defendant is seeking leave to appeal from an order of an intermediate appellate court affirming, reversing or modifying a judgment of conviction, use Form A. If the defendant is seeking leave to appeal from an intermediate appellate court order denying an application for a writ of error coram nobis, use Form B.

Please note that there are types of orders other than the orders described in Form A and Form B that are appealable to the Court of Appeals (see CPL 450.90[1], 460.30[6], 470.60[3]). If the defendant is seeking to appeal from an order not covered by Form A or Form B, the defendant should modify the form letter to indicate the order that is sought to be appealed.

**FORM A**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Defendant's address)

\_\_\_\_\_  
(Date)

Chief Judge Janet DiFiore  
Attn: John P. Asiello, Clerk of the Court  
New York State Court of Appeals  
20 Eagle Street  
Albany, NY 12207

Re: People v. \_\_\_\_\_  
(Defendant's name)

Dear Chief Judge DiFiore:

The above-named defendant hereby applies for the issuance of a certificate pursuant to New York CPL § 460.20 certifying that there is a question of law in the above-entitled proceeding which ought to be reviewed by the Court of Appeals and granting leave to appeal to said court from an order of the \_\_\_\_\_, entered on \_\_\_\_\_, which \_\_\_\_\_ a judgment of \_\_\_\_\_ convicting the defendant of the crime(s) of \_\_\_\_\_, and sentencing defendant to \_\_\_\_\_.

(name of intermediate appellate court)\*  
(date of entry of order) (affirmed/reversed/modified [choose one])  
(name of court that entered judgment of conviction)  
(specify crime[s])  
(sentence imposed).

An application for this relief has/has not (choose one) been made to a Justice of the Appellate Division.

Oral argument is/is not (choose one) requested.

There were/were not (choose one) co-defendants below.\*\*

\* The intermediate appellate court may be an Appellate Division, an Appellate Term, or a County Court.

\*\* If the defendant had co-defendants below, provide their names.

The issues sought to be raised on appeal:

*Set forth the issues to be raised on appeal, why such issues are reviewable and leaveworthy, and, if applicable, where such issues are preserved in the record (attach additional paper, if necessary).*

Respectfully submitted,

\_\_\_\_\_  
*(Defendant's signature)*

cc: \_\_\_\_\_  
*(Name of District Attorney or other adverse party)*

**FORM B**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Defendant's address)

\_\_\_\_\_  
(Date)

Chief Judge Janet DiFiore  
Attn: John P. Asiello, Clerk of the Court  
New York State Court of Appeals  
20 Eagle Street  
Albany, NY 12207

Re: People v. \_\_\_\_\_  
(Defendant's name)

Dear Chief Judge DiFiore:

The above-named defendant hereby applies for the issuance of a certificate pursuant to New York CPL § 460.20 certifying that there is a question of law in the above-entitled proceeding which ought to be reviewed by the Court of Appeals and granting leave to appeal to said court from an order of the \_\_\_\_\_, entered on \_\_\_\_\_, which denied defendant's application for a writ of error coram nobis to set aside an order of said intermediate appellate court on the ground of ineffective assistance or wrongful deprivation of appellate counsel.

An application for this relief has/has not (*choose one*) been made to a Justice of the Appellate Division.

Oral argument is/is not (*choose one*) requested.

There were/were not (*choose one*) co-defendants below.\*\*

\* The intermediate appellate court may be an Appellate Division, an Appellate Term, or a County Court.  
\*\* If the defendant had co-defendants below, provide their names.

The issues sought to be raised on appeal:

*Set forth the issues to be raised on appeal, why such issues are reviewable and leaveworthy, and, if applicable, where such issues are preserved in the record (attach additional paper, if necessary).*

Respectfully submitted,

\_\_\_\_\_  
*(Defendant's signature)*

cc: \_\_\_\_\_  
*(Name of District Attorney or other adverse party)*