

Court of Appeals

STATE OF NEW YORK

Advanced Decision Search

[HOME](#)[JUDGES OF THE COURT](#) ▼[COURT DECISIONS](#)[RULES OF THE COURT](#) ▼[COURT INFORMATION](#) ▼

► [Home](#) ► [Frequently Asked Questions - Applications Seeking Permission to Appeal to the Court of Appeals](#)

Q: When should the application be filed?

A: An application for leave to appeal to the Court of Appeals pursuant to CPL section 460.20 must be filed within 30 days after service by the adverse party of a copy of the intermediate appellate court order sought to be appealed. Please note that a motion for reargument of the appeal filed in the intermediate appellate court does not stay the 30-day time period in which to file an application for leave to appeal to the Court of Appeals.

Q: What if the 30 day time period has elapsed?

A: CPL section 460.30 governs the making of a motion for an extension of time, but such a motion must be made within one year after the expiration of the time for seeking leave to appeal. The motion shall be addressed to the full court in compliance with Rules 500.20 (g) and 500.21.

Q: Who is responsible for filing the application for the defendant?

A: The Rules of this Court and the Appellate Division require counsel assigned or retained at the intermediate appellate court to file an application for leave to appeal if the defendant requests. However, the defendant may file the application pro se.

Q: Is there a form for filing the application?

A: No handbook or form for filing leave applications exists. The application should be in letter form outlining the grounds on which the appeal is being sought. The letter must bear an indication of service upon the adverse party. A formal affidavit of service is unnecessary. Additionally, the letter must indicate the names of all co-defendants in the trial court, if any, and the status of their appeals, if known; that no application for the same relief has been addressed to a Justice of the Appellate Division; and whether oral argument is requested.

Q: To whom is the application addressed?

A: The application is addressed to the Chief Judge and sent to the attention of the Clerk of the Court.

Q: May I choose the Judge to whom the application will be assigned?

A: No, the Chief Judge directs the assignment of each application to a Judge of the Court through the Clerk of the Court.

Q: What papers are filed with the application?

A: Along with the application letter, a copy of the order and decision sought to be appealed and copies of each brief filed in the intermediate appellate court must be submitted with the application.

Q: How many copies are required?

A: The Court requires only one set of papers on an application for permission to appeal.

Q: How long will it take for the application to be decided?

A: There is no set time for an application for leave to appeal to be decided.

► **PENDING MATTERS**

[Court-PASS Docket](#)[Undecided Argued Appeals](#)[Undecided Civil Motions](#)[Certified Questions \(500.27\)](#)[New Case Filings](#)

► **FREQUENTLY ASKED QUESTIONS**

[Appeals FAQ](#)[Civil Motions FAQ](#)[Criminal Leave Applications FAQ](#)[Attorney Admissions FAQ](#)[Digital Filing FAQ](#)

► **PRACTICE AIDS**

[Taking a Case to the Court](#)[Criminal Practice Outline](#)[Civil Practice Outline](#)[Certified Questions Practice Handbook](#)[Oral Argument Guide for Counsel](#)

► [Notice to Assigned Counsel](#)

► [Notice on Confidential and Sensitive Documents](#)

► **COURT FORMS**

[Notice of Appeal](#)[Preliminary Appeal Statement](#)[Affidavits of Service](#)[Assigned Counsel Reimbursement Form](#)[Motion for Leave to Appeal - Civil Cases \(Pro-Se Litigants\)](#)[Criminal Leave Application \(Pro-se applicants\)](#)[Oral Arguments DVD Request Form](#)

Q: If the application is denied, may I seek reconsideration?

A: Yes. Requests for reargument or reconsideration shall be in letter form addressed to the Clerk of the Court, with proof of service on the adverse party, and shall be assigned to the Judge who ruled on the original application. Unless otherwise permitted by the assigned Judge, such requests must be made within 30 days after the original application was decided.

Q: How do I request a stay?

A: CPL 460.60 governs applications for a stay, which must be made to the Judge to whom a leave application has been assigned. The request may be made either in the letter application for leave to appeal or by separate letter with proof of service of one copy on the adverse party. The request must indicate whether the relief sought has previously been requested, whether the defendant is incarcerated or at liberty and, if at liberty, the conditions thereof and any surrender date.

▶ COURT NEWS

Notices to the Bar

Press Releases

▶ ANNUAL MATTERS AND EVENTS

Annual Reports

Law Day Celebration

State of the Judiciary

▶ COURT EMPLOYMENT

Clerkship Opportunities

Other

▶ LINKS OF INTEREST

Unified Court System

Appellate Division 1st Department

Appellate Division 2nd Department

Appellate Division 3rd Department

Appellate Division 4th Department

NYS Law Reporting Bureau

NYS Board of Law Examiners

NYS Bar Association

Lawyers' Fund for Client Protection

New York State Court Historical Society

CONTACT INFORMATION

New York State Court of Appeals
20 Eagle Street
Albany, New York 12207
Phone: (518) 455-7700