

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST DEPARTMENT**

x

People of the State of New York

NOTICE OF MOTION FOR WAIVER OF  
COSTS, FEES AND EXPENSES  
AND ASSIGNMENT OF COUNSEL

-against-

INDICTMENT NO. \_\_\_\_\_

\_\_\_\_\_  
Defendant-Appellant

x

**PLEASE TAKE NOTICE** that upon the annexed affirmation of \_\_\_\_\_,

dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the defendant-appellant will move  
this Court at a term to be held at the Appellate Division Courthouse located at 25<sup>th</sup> Street and  
Madison Avenue, New York, N.Y., 10010, on \_\_\_\_\_, 20\_\_\_\_, at 10:00 a.m., for a waiver  
of costs, fees and expenses and for assignment of counsel on appeal.

Dated: \_\_\_\_\_

\_\_\_\_\_

To: District Attorney, \_\_\_\_\_ County

Defendant-Appellant

\_\_\_\_\_  
Address of District Attorney

\_\_\_\_\_  
Defendant's Address

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, FIRST DEPARTMENT**

-----X

People of the State of New York

-against-

Affirmation in Support of:  
Motion for Waiver of Costs, Fees  
and Expenses and Assignment of  
Counsel

INDICTMENT NO. \_\_\_\_\_

\_\_\_\_\_  
Defendant-Appellant

-----X

I, \_\_\_\_\_, affirm under the penalties of perjury under that:

1. I am the defendant-appellant in the above-captioned case, and I make this affirmation in support of my motion for a waiver of costs, fees and expenses and assignment of counsel on appeal.
2. I am presently in the custody of the Superintendent of \_\_\_\_\_ pursuant to a judgment of the Supreme Court, \_\_\_\_\_ County, rendered on \_\_\_\_\_ convicting me of \_\_\_\_\_, and sentencing me to \_\_\_\_\_.
3. I am unable because of my indigence to pay the costs, fees and expenses necessary to prosecute this appeal. I am currently incarcerated and am earning \_\_\_\_\_ per week in income.
4. I own \$\_\_\_\_\_ worth of real property.
5.  I do own a car.  I do **not** own a car.
6. I have \$\_\_\_\_\_ in savings.
7.  I do collect unemployment  I do **not** collect unemployment.
8.  I do collect alimony or support.  I do **not** collect unemployment.
9.  I do collect a pension.  I do **not** collect a pension.
10.  I do have other sources of income  I do **not** have other sources of income.
11. I was represented in Supreme Court by:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

an attorney employed by the

- The Legal Aid Society  Bronx Defender Service  
 Neighborhood Defender Service,

OR

A member of the 18-b Assigned Counsel Plan,

OR

other assigned counsel (explain)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OR

retained counsel (explain retainer)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. During the trial proceedings, (check one box):

I was incarcerated.

OR

I was released on my own recognizance.

OR

I was released on bail in the same of \$\_\_\_\_\_, which was posted  
by (fill in details) \_\_\_\_\_  
\_\_\_\_\_

Wherefore, I respectfully ask for an order waiving costs, fees and expenses and assigning an attorney to represent me on the appeal, that I be furnished with the stenographic transcripts without fee, and for such other relief as may be proper and equitable.

I affirm this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand this document may be filed in an action or proceeding in a court of law.

\_\_\_\_\_  
Defendant-Appellant