

# CENTER FOR APPELLATE LITIGATION

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## ISSUES TO DEVELOP AT TRIAL

January 2020 - Vol. 5, Issue 1

*Here at CAL, we, like you, are trying to anticipate how some of the major criminal justice reforms ushered in on January 1 will play out in the trenches. We didn't have to wait long for the first battles to emerge - **the process for expedited appellate review of protective orders provided for in § 245.70(6).***

*In this issue we provide you with some FAQs and concrete guidance about this procedure. Note that, to date, only AD1 and AD2 appear to have issued specific procedures for seeking expedited review.*

### FAQS

*What is CPL § 245.70(6) all about?*

CPL § 245.70(6) is a provision of the new discovery reforms that provides for expedited appellate review, during the ongoing proceedings, to the aggrieved party (generally you, but it could be the People if their request is denied ) of a court's unfavorable decision concerning a protective order. Meaning if the lower court granted a protective order over your objection, this provision allows you to seek immediate review of the decision.

*Does it apply to all protective orders?*

No. You can seek expedited review only if the order relates "to the name, address, contact information or statements of a person."

*What if the court grants some of the People's request but not all?*

You can seek expedited relief if the order is adverse or partially adverse.

*Do I need to object to the grant of the order by the lower court to seek review?*

Yes.

*What is the timeline for seeking review?*

You must seek review within two days of the lower court's adverse decision.

*What do I have to do to get review?*

Below we unpack the mechanics in the First and Second Departments. But in general, you must proceed by Order to Show Cause (OSC), with an accompanying affirmation, along with the papers filed below and a copy of that court's decision.

*Do I have to notify my adversary that I'm going into the Appellate Division with an OSC?*

From our reading of the procedures in each Department, the answer appears to be no, as neither AD1 nor AD2 mention providing notice to your adversary of your initial foray into the Appellate Division. This seems to be consistent with OSC procedures in general. That said, review of the Statewide Rules of Practice adopted by all four Departments that govern expedited relief would seem to require notice to your adversary when going in. See Rule of Practice 1250.11(i), referencing Rule 1250.4(b). Nonetheless, we think it's safe to go with each Department's targeted protocols that do not require notice before going in, as they do not reference the statewide rules. Further, if the OSC is granted, a return date will be set and

your adversary provided with an opportunity to respond.

In both Departments, if the OSC is granted and service isn't excused for good cause, you will need to then serve your adversary and the lower court with your application, and you and your adversary will need to appear in person on the return date.

*Who makes the decision?*

If the OSC is granted, a single justice of the Appellate Division will decide the application. Oral argument may be permitted in the Justice's discretion.

*When will I get the decision?*

The Justice is to issue the decision order. AD2 specifies "expeditiously."

### **The mechanics unpacked**

Both AD1 and AD2 require, per a new Rule of Appellate Division practice, 1250.11(i), that expedited review is to be sought via an Order to Show Cause, with a supporting affirmation. In all cases, review must be sought within two days of the adverse order.

The procedures in both Departments are largely the same, but we provide department-specific information, with links where available, below. If you are actively pursuing such relief, be sure to read the procedures in full.

## *First Department*

AD1 has created procedures for expedited review, but they are not posted online, and, from what the Clerk's office has advised us, will not be posted. We have attached a hard copy to this newsletter, and they are always available from the Court. Here are the takeaways:

- Within two business days of the adverse ruling, the party seeking review must, in person, present their application at the Clerk's office at 27 Madison Avenue (not with an individual judge or judge's chambers). Your application must include:
  - an Order to Show Cause. AD1 had has posted a fillable Order to Show Cause to their website, available [here](#) and attached in hard copy to this newsletter.
  - a supporting sworn affirmation. The affirmation must state in good faith that (i) that the ruling affects substantial interests, and (ii) that diligent efforts to reach an accommodation of the underlying discovery dispute with opposing counsel failed or that no accommodation was feasible, and must include "arguments in support of the allegation that the ruling affects substantial interests and detailed factual assertions to show that diligent efforts were made to reach accommodation or that no accommodation is feasible."
  - the supporting and opposing materials previously submitted to the trial court
  - Hearing transcripts, if available. Note that, under CPL 245.70(3), when a party seeks a protective order and the other side opposes it, the court must conduct a hearing within 3 business days of the request, and a decision to disclose or limit disclosure must be made expeditiously.
  - Copy of the trial court's order
  - "Additional materials as authorized by statute" or requested by the assigned justice of the Court. Note that CPL 245.70(6) (c) permits the appellate justice to consider "any relevant and reliable information bearing on the issue."
  - materials that were under seal or submitted ex parte at the trial level must be clearly so marked
- The application will first be reviewed to determine if it complies with all requirements, and if it does, the application will be presented to a Justice of the Court for review and signature. That Justice will determine the notice to be provided or if there is good cause for not providing service, and fix a return date within four days. Proof of service must be filed on or before 10:00 am on the day prior to the return date. Failure to timely file POS will result in dismissal of your application.
- Replies are not permitted.
- Oral argument on the return date is at the discretion of the assigned Justice, who will notify the parties prior to the return day if oral argument will be held.

## *Second Department*

The Second Department has provided on its [website](#) detailed [protocols](#) for CPL 245.70(6) review, along with a FORM ORDER TO SHOW CAUSE, available [here](#) and attached in hard copy to this newsletter. AD2 also requires counsel to complete and file an “Informational Statement,” available on their website [here](#), and attached in hard copy to this newsletter. Per the protocols, and similar in most (but not all) respects to AD1 procedures:

- Within two business days of the adverse ruling, you must present your papers, in person in the Clerk’s office (not with an individual judge or judge’s chambers) at 45 Monroe Place, or by email in pdf format to the email address provided in the protocols. Your application must include:
  - an Order to Show Cause. As noted above, AD2 has provided a form OSC for you to use, available on its website and attached hereto in hard copy.
  - an Information Statement, also available on AD2’s website and attached here.
  - a sworn affirmation, which must include a good faith statement (i) that the ruling affects substantial interests, and (ii) that diligent efforts to reach an accommodation of the underlying discovery dispute with opposing counsel failed or that no accommodation was feasible, “which statement is supported by an argument in support of these assertions.”
  - the “supporting and opposing materials previously submitted to the trial court”
  - the lower court’s determination
  - additional materials “as authorized by the statute,” again probably referring to CPL 245.70(6) (c), which permits the appellate justice to consider “any relevant and reliable information bearing on the issue.”
- The application will first be reviewed by the Court’s “legal staff” to determine if it complies with all requirements, and if it does, the application will be presented to a Justice of the Court, who will determine the notice to be provided or if there is good cause for not providing service, and fix a return date within four days. Proof of service must be filed on or before 10:00 am on the day prior to the return date. Failure to timely file POS will result in dismissal of the application.
- Replies are not permitted
- Requests for oral argument are to be made prior to the return date, via email to a specific email address identified in the protocol memo.

*It is our hope that repeated smackdowns from the Appellate Division (see below) will deter courts from routinely granting the People’s applications for protective orders, and perhaps even diminish the People’s appetite for them.*

**Breaking news:** Note these recent decisions from AD2 and AD1 on expedited review.

- In *People v. Beaton*, Presiding Justice Scheinkman (AD2) reversed the grant of a protective order on expedited review, holding that the prosecution had not established good cause for redaction of the witness's names and contact information, because they did not include any affidavit from any person with direct knowledge to support their allegation that the defendant's "associates" had attempted to threaten witnesses.
- In *People v. Bonifacio*, Justice Scheinkman again reversed the grant of a protective order, stating that while the prosecution is permitted under the statute to make an application for a protective order ex parte, the defense can be excluded from the hearing on the application only on a showing of good cause, which was not present in this case. The same result was reached in *People v. Reyes-Fuentes* and *People v. Belfon*.
- In *People v. Nash*, PJ Scheinkman upheld the lower court's partial grant of a protective order to the People that was granted after an ex parte hearing of which defense counsel had notice. Justice Scheinkman rejected that the court was required to allow defense counsel (as opposed to the defendant) access to the protected information. However, the judge indicated its view that defense counsel should be allowed to see portions of the People's written application that would not reveal the information the People were seeking to protect, and defense counsel should only be excluded from the protective order review process below only to the extent necessary to preserve the confidentiality of sensitive information.
- In *People v. Swift*, Justice Richter (AD1) granted partial relief to the defendant by permitting defense counsel to give defendant a copy of the grand jury testimony and the victim's medical records. Justice Richter found it was an improvident exercise of the court's discretion to deny defendant a copy of these materials where the People failed to establish good cause, based on the statutory factors in CPL 245.70(4). Justice Richter rejected the People's policy arguments as irreconcilable with the statutory mandate requiring disclosure to defendant, and found insufficient record support for the People's claims about safety and witness intimidation.

## First Department Procedures and OSC

# Appellate Division of the Supreme Court First Judicial Department

## Procedures for CPL 245.70(6) Applications

**Filing.** All orders to show cause (and their supporting papers) seeking review pursuant to CPL 245.70(6) and 22 NYCRR 1250.11(ii) shall be presented in person by counsel at the Clerk's Office at 27 Madison Avenue, New York, New York, 10010.

**Form.** Counsel should use the form Order to Show Cause (OSC) available on the Court's website.

The proposed OSC and supporting documentation will be reviewed to ensure that the statute has been complied with, in that:

- (1) The order sought to be reviewed relates to the name, address, contact information or statements of a person;
- (2) The application was presented to the Court within two business days of the ruling sought to be reviewed;
- (3) The proposed OSC (a) contains a provision for service upon the adverse party OR (b) states that the underlying application was not served upon the adverse party and that good cause exists for omitting service, and the application presents argument in support of the assertion that there is good cause for omitting service of the OSC;
- (4) The proposed OSC is supported by a sworn affidavit or affirmation stating in good faith that (a) the ruling affects substantial interests, and (b) diligent efforts to reach an accommodation of the underlying discovery dispute with opposing counsel failed or that no accommodation was feasible; and setting forth arguments in support of the allegation that the ruling affects substantial interests and detailed factual assertions to show the diligent efforts made to reach accommodation or that no accommodation is feasible.
- (5) The proposed OSC is accompanied by the (a) supporting and opposing materials previously submitted to the trial court, (b) trial court's order and (c) hearing transcripts, if available. Additional materials may be submitted as authorized by the statute or requested by the assigned justice of this Court.
- (6) Materials submitted ex parte or under seal at the trial level are clearly marked "ex parte" or "sealed" for submission to this Court.

The OSC and supporting papers that comply with the requirements of the statute and governing court rule shall be presented to a Justice of the Court for review and signature. That Justice will (a) determine the notice to be provided to the required parties OR that there is good cause for not providing for service on a party; and (b) set a return date for the application.

The **return date** will be set no later than four business days from the date that the OSC is signed. Where the justice who signs the OSC has determined that service is not required, the return date shall be the date the OSC was signed.

**Adjournment requests** will not be entertained absent extraordinary circumstances.

**Papers in opposition** to the application shall be filed with the Clerk's office on or before 10:00 a.m. on the day prior to the return date.

**Reply papers** are not permitted.

**Proof of service** of the application shall be filed on or before 10:00 a.m. on the day prior to the return date. Failure to timely file proof of service shall result in the dismissal of the application.

The application will be assigned to the justice on duty on the return date.

**Oral argument** on the return date of the application is at the discretion of the justice to whom the application is assigned. The parties will be notified prior to the return day if oral argument will be held.

Upon the justice's determination of the application, the Court will issue an order and the parties will be notified.

There will be no reargument or renewal.



Supreme Court of the State of New York  
Appellate Division: First Judicial Department

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**ORDER TO SHOW CAUSE**  
**CPL 245.70(6) Review**

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Case No.

Motion No.

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Upon the annexed affidavit (or affirmation) of \_\_\_\_\_, dated \_\_\_\_\_, 2020 and the papers annexed thereto, including (1) the order sought to be reviewed, (2) the supporting and opposing materials previously submitted to the court of original instance, (3) the hearing minutes, if any; and (4) an affirmation of good faith pursuant to CPL 245.70(6)(b),

**LET** \_\_\_\_\_ **SHOW CAUSE BEFORE A JUSTICE OF THIS COURT**, at the courthouse thereof, located at 27 Madison Avenue, New York, New York, 10010, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at 10:00 o'clock in the forenoon of that date or as soon thereafter as counsel may be heard, why an order should not be entered modifying or vacating the ruling sought to be reviewed by:

- 1.
2. Granting such other and further relief as to the court may seem just and equitable.

**SUFFICIENT CAUSE THEREFOR APPEARING**, it is

**ORDERED** that service of a copy of this order to show cause and the papers upon which it was made upon by personal delivery and electronic means on the date of execution of this Order to Show Cause, shall be deemed sufficient service thereof; and it is further

**ORDERED** that opposing papers shall be served by personal delivery and electronic means on or before \_\_\_\_\_ and filed with the Court by 10:00 a.m. on the business day prior to the return date.

*OR*, it is

**ORDERED** that, upon a showing that (a) the opposing party was not made aware of the application for a protective order and (b) there exists good cause for omitting service of a copy of this order to show cause and the papers upon which it was made upon \_\_\_\_\_, service is unnecessary.

Dated: New York, New York

\_\_\_\_\_, 20\_\_

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Associate Justice  
Appellate Division, 1<sup>st</sup> Department

## Second Department Procedures, OSC, and Informational Statement

## **Protocol for Processing Applications pursuant to CPL 245.70(6)**

All orders to show cause (and their supporting papers) seeking review pursuant to CPL 245.70(6) and 22 NYCRR 1250.11(ii) shall either be presented in person at the Clerk's Office at 45 Monroe Place, Brooklyn, New York, or e-mailed in pdf format to the Clerk's office at [AD2-CPL245.70.6applications@nycourts.gov](mailto:AD2-CPL245.70.6applications@nycourts.gov) . No such applications shall be presented to, or accepted by, individual justices or their chambers, and only those applications which are presented to the Clerk's Office at 45 Monroe Place or e-mailed to [AD2-CPL245.70.6applications@nycourts.gov](mailto:AD2-CPL245.70.6applications@nycourts.gov) will be determined on their merits. If the papers in support of the application are e-mailed, the movant shall supply one hard copy thereof by filing same with the Clerk's office on or before the day prior to the return date at 10 a.m. Counsel should use the form Order to Show Cause available on the Court's website, and must complete and file an Informational Statement (also on the Court's website).

The proposed Order to Show Cause (hereinafter the OSC) and supporting documentation shall be reviewed by a member of the Court's legal staff to ensure that the statute has been complied with in that:

- (1) The protective order sought to be reviewed relates to the name, address, contact information or statements of a person,
- (2) The application was presented to the Court within two days of the ruling sought to be reviewed,
- (3) The proposed order to show cause contains a provision for service upon the adverse party OR the underlying application was not served upon that party and the supporting application asserts that there is good cause for omitting service of the OSC upon that party and presents an argument in support of that assertion,
- (4) The OSC is supported by a sworn affirmation which contains a statement, represented to be made in good faith that (a) the ruling affects substantial interests and (b) diligent efforts to reach an accommodation of the underlying discovery dispute with opposing counsel failed or that no accommodation was feasible, which statement is supported by an argument in support of these assertions,
- (5) The OSC is accompanied by the supporting and opposing materials previously submitted to the trial court, and that court's determination; while additional materials may be submitted as authorized by the statute, the application must at a minimum be accompanied by the papers which were before the trial court and by the trial court's determination.

Once the administrative determination has been made that the papers are in compliance with the requirements of the statute and governing court rule, the OSC shall be presented to a Justice of the Court for review and signature. That Justice will also determine the notice to be provided to the required parties or if there is good cause for not providing for service on a party, and fix an expeditious return date for the application. The return date shall not be set beyond four business days from the date that the OSC is signed, and adjournment requests will not be entertained absent extraordinary

circumstances. Where the justice who executes the OSC has determined that service is not required, the return date shall be the date of execution of the OSC.

As with motions in this Court prosecuted by order to show cause in general, reply papers are not permitted, and no provision for oral argument will be made in the OSC. Oral argument on the return date of the application is at the discretion of the justice to whom the application is ultimately assigned. Any requests for oral argument shall be made by counsel prior to the return date by e-mail to [AD2-CPL245.70.6applications@nycourts.gov](mailto:AD2-CPL245.70.6applications@nycourts.gov) and counsel shall be advised by return e-mail prior to the return date as to whether a request for oral argument has been granted. Oral argument, if granted, shall be heard on the return date of the application, either by counsel in person or by electronic (video or telephone) means, as determined by the justice to whom the application is assigned.

Proof of service of the application shall be filed on or before 10:00 a.m. on the day prior to the return date. Failure to timely file proof of service shall result in the dismissal of the application. Papers in opposition to the application shall be either: (a) be physically filed with the Clerk's office on or before 10:00 a.m. on the day prior to the return date, or (b) e-mailed to the designated address on the day prior to the return date. In the event that the opposition papers are e-mailed, a hard copy thereof shall be filed with the Clerk's office on or before 10 a.m. on the return date.

The written order by which the application is decided shall be e-mailed to counsel expeditiously.

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

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**ORDER TO SHOW CAUSE**  
**CPL 245.70(6) Review**

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Appellate Division Docket No.:

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Upon the annexed affidavit (or affirmation) of \_\_\_\_\_, dated \_\_\_\_\_, 20\_\_\_\_, and the papers annexed thereto, including (1) the protective order sought to be reviewed, (2) the supporting and opposing materials previously submitted to the court of original instance, and (3) an affirmation of good faith pursuant to CPL 245.70(6)(b).

**LET** \_\_\_\_\_ **SHOW CAUSE BEFORE A JUSTICE OF THIS COURT**, at the courthouse thereof, located at 45 Monroe Place, Brooklyn, New York, 11201, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at 10:00 o'clock in the forenoon of that date or as soon thereafter as counsel may be heard, why an order should not be made and entered modifying or reversing the ruling sought to be reviewed by :

- 1.
2. Granting such other and further relief as to the court may seem just and equitable.

**SUFFICIENT CAUSE THEREFOR APPEARING**, it is

**ORDERED** that service of a copy of this order to show cause and the papers upon which it was made upon \_\_\_\_\_, on or before \_\_\_\_\_, by

- personal delivery pursuant to CPLR 2103(b)(1) OR
- office delivery pursuant to CPLR 2103(b)(3)

and by electronic means on the date of execution of this Order to Show Cause, shall be deemed sufficient service thereof;

*OR*, it is

**ORDERED** that, upon a showing that (a) the opposing party was not made aware of the application for a protective order and (b) there exists good cause for omitting service of a copy of this order to show cause and the papers upon which it was made upon \_\_\_\_\_, service is unnecessary.

Dated: Brooklyn, New York

\_\_\_\_\_, 20\_\_\_\_

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Associate Justice  
Appellate Division: 2<sup>nd</sup> Department

# Supreme Court of the State of New York

## Appellate Division : Second Judicial Department

### Informational Statement - Criminal Cases

**Instructions:** Use a separate copy of this form for each judgment, sentence or order appealed from. Multiple convictions under different accusatory instruments, even if the judgments were rendered in the same court on the same day, require the completion of separate copies of this form. Please type or print and answer

all questions.

Attach a copy of the notice of appeal. If the appeal is from an order, attach a copy. If the appeal is from a judgment or sentence, attach a copy of the commitment order or an extract of the clerk's minutes.

<b>Case Title:</b>  <p style="text-align: center;"><b>The People of the State of New York,</b> <b>vs.</b></p>	<b>For Appellate Division Use Only</b>
	<b>Case No.:</b>  
	<b>File Opened:</b>  

**Appellate Division Status:** Place a ✓ in the appropriate box to indicate the Appellate Division status of the parties.

Plaintiff	<input type="checkbox"/> Appellant	<input type="checkbox"/> Respondent
Defendant	<input type="checkbox"/> Appellant	<input type="checkbox"/> Respondent

**Type of Crime:** If this is an appeal from a judgment of conviction, a sentence or an order granting or denying post-conviction relief, place a ✓ mark in up to five of the following boxes to indicate the type of crime or crimes of which the defendant was convicted. If the conviction was for more than five crimes, check the five most serious charges. Check the  to indicate that the conviction was for the substantive crime and check the  to indicate that the conviction was for an attempt to commit that crime. In the event that the precise crime of which the defendant was convicted does not appear on the following list, check the box comparable to the article of the Penal Law in which the substantive crime is set forth. If this is an appeal by the People from an Interlocutory order, check up to five boxes to indicate the crimes of which the defendant has been charged.

= Substantive Crime                       = Attempt to Commit Crime

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> <input type="checkbox"/> 1 Arson<br><input type="checkbox"/> <input type="checkbox"/> 2 Assault & Related Offenses<br><input type="checkbox"/> <input type="checkbox"/> 3 Bribery, Not Public Servant & Related Offenses<br><input type="checkbox"/> <input type="checkbox"/> 4 Bribery, Public Servants & Related Offenses<br><input type="checkbox"/> <input type="checkbox"/> 5 Burglary & Related Offenses<br><input type="checkbox"/> <input type="checkbox"/> 6 Children & Incompetents, Offenses Affecting<br><input type="checkbox"/> <input type="checkbox"/> 7 Computer Offenses<br><input type="checkbox"/> <input type="checkbox"/> 8 Conspiracy<br><input type="checkbox"/> <input type="checkbox"/> 9 Controlled Substances, Possession<br><input type="checkbox"/> <input type="checkbox"/> 10 Controlled Substances, Sale<br><input type="checkbox"/> <input type="checkbox"/> 11 Controlled Substances, Other<br><input type="checkbox"/> <input type="checkbox"/> 12 Criminal Facilitation<br><input type="checkbox"/> <input type="checkbox"/> 13 Criminal Mischief & Related Offenses<br><input type="checkbox"/> <input type="checkbox"/> 14 Criminal Possession of Stolen Property<br><input type="checkbox"/> <input type="checkbox"/> 15 Criminal Solicitation<br><input type="checkbox"/> <input type="checkbox"/> 16 Enterprise Corruption<br><input type="checkbox"/> <input type="checkbox"/> 17 Escape & Offenses Relating to Custody | <input type="checkbox"/> <input type="checkbox"/> 18 False Written Statements - Offenses Involving<br><input type="checkbox"/> <input type="checkbox"/> 19 Firearms & Dangerous Weapons, Possession<br><input type="checkbox"/> <input type="checkbox"/> 20 Firearms & Dangerous Weapons, Use<br><input type="checkbox"/> <input type="checkbox"/> 21 Firearms & Dangerous Weapons, Other<br><input type="checkbox"/> <input type="checkbox"/> 22 Forgery & Related Offenses<br><input type="checkbox"/> <input type="checkbox"/> 23 Frauds on Creditors<br><input type="checkbox"/> <input type="checkbox"/> 24 Frauds, Other<br><input type="checkbox"/> <input type="checkbox"/> 25 Gambling Offenses<br><input type="checkbox"/> <input type="checkbox"/> 26 Homicide, Abortion<br><input type="checkbox"/> <input type="checkbox"/> 27 Homicide, Criminally Negligent<br><input type="checkbox"/> <input type="checkbox"/> 28 Homicide, Manslaughter<br><input type="checkbox"/> <input type="checkbox"/> 29 Homicide, Murder<br><input type="checkbox"/> <input type="checkbox"/> 30 Homicide, Vehicular Manslaughter<br><input type="checkbox"/> <input type="checkbox"/> 31 Insurance Fraud<br><input type="checkbox"/> <input type="checkbox"/> 32 Kidnapping, Coercion & Related Offenses<br><input type="checkbox"/> <input type="checkbox"/> 33 Larceny<br><input type="checkbox"/> <input type="checkbox"/> 34 Marijuana Offenses | <input type="checkbox"/> <input type="checkbox"/> 35 Marital Relationship, Offenses Affecting<br><input type="checkbox"/> <input type="checkbox"/> 36 Motor Vehicle, Operating Under Influence<br><input type="checkbox"/> <input type="checkbox"/> 37 Motor Vehicle, Other<br><input type="checkbox"/> <input type="checkbox"/> 38 Obscenity & Related Offenses<br><input type="checkbox"/> <input type="checkbox"/> 39 Offenses Relating to Judicial & other Proceedings<br><input type="checkbox"/> <input type="checkbox"/> 40 Official Misconduct, Obstruction of Public Servants<br><input type="checkbox"/> <input type="checkbox"/> 41 Perjury & Related Offenses<br><input type="checkbox"/> <input type="checkbox"/> 42 Privacy, Offenses Against<br><input type="checkbox"/> <input type="checkbox"/> 43 Prostitution Offenses<br><input type="checkbox"/> <input type="checkbox"/> 44 Public Order, Offenses Against<br><input type="checkbox"/> <input type="checkbox"/> 45 Public Sensibilities, Offenses Against<br><input type="checkbox"/> <input type="checkbox"/> 46 Robbery<br><input type="checkbox"/> <input type="checkbox"/> 47 Sex Offenses, Rape<br><input type="checkbox"/> <input type="checkbox"/> 48 Sex Offenses, Sexual Abuse<br><input type="checkbox"/> <input type="checkbox"/> 49 Sex Offenses, Sodomy<br><input type="checkbox"/> <input type="checkbox"/> 50 Theft Offenses, Other<br><input type="checkbox"/> <input type="checkbox"/> 51 Other |
|---|--|--|

**Original Court Information** (Use another Form B for additional appeals):

**Appeal From** (Check one only):  Judgment     Order     Sentence     Amended Judgment     Amended Order     Amended Sentence  
 Resettled Order     Decision     Other (specify):

<b>Date or Rendered:</b>	<b>Indictment or Superior Court Information No.:</b>
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<b>Court:</b>	<b>County:</b> --
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<b>Stage:</b> <input type="checkbox"/> Interlocutory <input type="checkbox"/> Final <input type="checkbox"/> Post-Final	<b>Judge</b> (name in full):
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**Conviction:**  Plea of Guilty     Jury Verdict     Nonjury Trial     Not Applicable

**Codefendants:** Were there any codefendants under this accusatory instrument?  Yes     No  
 Names of codefendants convicted under this accusatory instrument:

<b>Defendant Information</b> (Please supply any available information):	<b>NYSIS No.:</b>
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<b>Prisoner Identification No.:</b>	<b>FBI No.:</b>
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**Address:**

