

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : SECOND DEPARTMENT
-----X
THE PEOPLE OF THE STATE OF NEW YORK

-against-

NOTICE OF
MOTION

DEFENDANT

IND. #

Defendant.

-----X

ATTORNEY'S AFFIRMATION

JEFFREY GRODER, ESQ., an attorney licensed to practice law in the State of New York, affirms the following under the penalties of perjury:

That he is the attorney assigned to represent the defendant in the Court below and is fully familiar with the facts of this case.

This affirmation is made upon information and belief, the source and basis of which is a review of my files, as well as the content of the appended financial affidavit, dated ***, 199*, of defendant-appellant.

On ***, 1999, defendant was convicted in County Court, County of Nassau of *** and sentenced to *** before the Hon. ***

A timely Notice of Appeal was served and filed a copy of which is annexed hereto.

Based upon a financial affidavit dated ***, 1999, appended hereto, defendant-appellant sets forth that *he is *** years of age and <<single/married>>. Defendant is presently unemployed, own no stocks, bonds, real estate, or automobile and has no savings or checking accounts. Defendant knows of no friends or relatives who can now be of financial assistance in this matter. Since the date of giving the aforementioned information, this office has received no

information indicating a change in the defendant's financial condition, and the defendant is now, as he was then, without funds to retain counsel.

During the pendency of the proceedings below in the Nassau County Court the defendant was represented by your affirmant as assigned counsel.

The defendant is currently <<incarcerated/at liberty>> pursuant to the judgment of conviction.

In this event that this motion is granted, it is requested that the Department of Probation be directed to forward a copy of the pre-sentence report prepared in connection with the defendant-appellant's sentencing (including the recommendation sheet, any restitution summary, and any prior reports on the defendant which are incorporated or referred to in the report) to assigned counsel pursuant to CPL section 390.50(2); and that this Court direct that the time to perfect the appeal be enlarged to some reasonable time after the transcription and delivery of the minutes below.

Dated: Mineola, NY
***,1999

Jeffrey Groder, Esq.