



COURT ADDRESS: _____

The People of the State of New York

Application for Permission to Apply for Resentencing [CPL §440.47]

vs.

Indictment/SCI Number: _____

NYSID: _____

AKA(s): _____

DIN: _____

Sex: _____ Race: _____ DOB: ___/___/___

Youthful Offender: YES NO

I was convicted of a felony in the above case. Pursuant to section 440.47(1)(a) of the criminal procedure law, I am requesting permission to apply for resentencing because, at the time the crime was committed:

- a. I was a victim of substantial physical, sexual or psychological abuse; and
- b. The person who abused me was:
 - i. Someone I am or was married to; or
 - ii. Someone I am or was engaged to be married to; or
 - iii. Someone related to me by blood or adoption (e.g., parent, grandparent, sibling, child, aunt, uncle, cousin, etc.); or
 - iv. Someone I lived in the same home with; or
 - v. Someone I have a child with; or
 - vi. Someone I have or had an intimate relationship with regardless of whether I lived with them (e.g., boyfriend, girlfriend, sexual partner, etc.); and
- c. The abuse was a significant contributing factor in my behavior.

I am eligible for resentencing under the alternative sentencing provisions of section 60.12 of the penal law in this case because:

- 1. I am currently incarcerated with the Department of Correction and Community Supervision (DOCCS).
- 2. I am currently serving:
 - a. An indeterminate sentence with a minimum term of eight years or more, or
 - b. A determinate sentence with a term of eight years or more.
- 3. The crime was committed before August 12, 2019.
- 4. I was not convicted of any of the following crimes:
 - a. Murder in the First Degree (Penal Law section 125.27); or
 - b. Aggravated Murder (Penal Law section 125.26); or
 - c. Subdivision five of Murder in the Second Degree (Penal Law section 125.25(5)); or
 - d. A crime of terrorism defined in Penal Law Article 490; or
 - e. A crime that requires me to register as a sex offender; or
 - f. An attempt or conspiracy to commit any of the charges listed above.

(Optional – check if applicable):

If the court finds I am eligible and gives me permission to apply for resentencing under section 440.47 of the criminal procedure law, I am requesting an assigned attorney pursuant to CPL §440.47(1)(c) to represent me for my resentencing motion.

Dated: ___/___/_____

Applicant Signature

FOR COURT USE ONLY – DO NOT WRITE BELOW THIS LINE

Determination of Application for Permission to Apply for Resentencing [CPL §440.47]:

Permission Denied – Applicant is INELIGIBLE, and application is hereby dismissed without prejudice.
Reasons (if provided): _____

Permission Granted – Applicant is ELIGIBLE.

Attorney (if assigned) Name: _____
 Address: _____
 Phone: _____ Email: _____

SO ORDERED:

Dated: ___/___/_____

Judge Signature

Judge Name