

COURT NOTICES

AMENDMENT OF RULE

Rules of the Supreme Court, Appellate Division

Pursuant to the authority conferred by law upon the Appellate Division of the Supreme Court of the State of New York for the fourth Judicial Department, it is

ORDERED that, effective immediately, sections 1000.13(q) and 1022.11(d) of the Rules of the Supreme Court, Appellate Division, Fourth Judicial Department (22 NYCRR 1000.13[q] and 1022.11[d]) are hereby amended to read as follows (material in brackets is deleted, material in italics is added):

§1000.13

(q) Withdrawal of counsel; assigned criminal appeals.

An attorney assigned to perfect a criminal appeal on behalf of an indigent defendant pursuant to 22 NYCRR 1022.11 may move, after conferring with the defendant and trial counsel, to be relieved of the assignment [upon the submission of] (*see People v Crawford, 71 AD2d 38*). *In support of the motion, the attorney shall submit an affidavit accompanied by a brief in which the attorney states all points that may arguably provide a basis for appeal, with references to the record and citation to legal authorities. The brief must be [supplied to the] served upon the defendant, together with the motion, at least 30 days before the return date of the motion [see, People v Crawford, 71 AD2d 38]. Together with the motion papers [and], the brief, and proof of service of the motion papers and the brief upon defendant, counsel shall submit the papers that would constitute the record on appeal pursuant to 22 NYCRR 1000.3_(c)_ (1). Counsel shall also submit a copy of a letter to the defendant advising that he or she may elect to file a pro se response to the motion and/or a pro se supplemental brief.*

§1022.11

(d) When counsel who has been assigned to perfect an appeal on behalf of an indigent defendant determine, after conferring with the defendant and trial counsel, that the appeal is frivolous, counsel may move to be relieved of the assignment pursuant to section 1000.13_(q) of this Title (*see People v Crawford, 71 AD2d 38*). The motion must be accompanied by a brief in which counsel states all points that may arguably provide a basis for appeal, with references to the record and citation to legal authorities. A copy of the brief must be [supplied to] served upon the defendant, together with the motion papers, at least 30 days before the return date of the motion [(see, People v Crawford, 71 AD2d 38)]. Together with the motion papers [and], the brief, and proof of service of the motion papers and the brief upon defendant, counsel shall submit the papers that would constitute the record on appeal pursuant to section 1000.3_(c)_ (1) of this Title. *Counsel shall also submit a copy of a letter to the defendant advising that he or she may elect to file a pro se response to the motion and/or a pro se supplemental brief.*

