

STATE OF NEW YORK

COURT : COUNTY OF ERIE

THE PEOPLE OF THE STATE OF NEW YORK

Plaintiff

**NOTICE OF MOTION FOR
ORDER TERMINATING
PROSECUTION, PURSUANT TO
CPL §180.85**

-vs-

Ind. No.

CLIENT'S NAME

Defendant

SIRS:

PLEASE TAKE NOTICE that the defendant, having been arraigned on the felony complaint filed in the above-captioned case on DATE which date is more than 12 months prior to the date of this Notice of Motion, and the count or counts contained therein having not been presented to a Grand Jury or otherwise disposed of in accordance with the relevant provisions of the N.Y. Crim. Proc. Law, the [*Defendant/People/Court*] in this case hereby move(s) for an order terminating the prosecution pursuant to [N.Y. Crim. Proc. Law § 180.85](#). No order denying a prior motion pursuant to such [§ 180.85](#) has been entered in this action in the 6-month period preceding the instant application.

DATED:

**SIGNATURE OF DEFENSE ATTY,
DEFENDANT, PROSECUTOR,
JUDGE OR JUSTICE, AS APPROPRIATE**

NOTICE TO PARTIES

[TO BE COMPLETED BY THE COURT AND SERVED BY THE COURT ON
BOTH PARTIES TOGETHER WITH TOP PORTION]

PLEASE TAKE NOTICE that the return date in this Court on the above Motion for an Order Terminating the Prosecution pursuant to [N.Y. Crim. Proc. Law § 180.85](#) is DATE. Pursuant to such [§ 180.85](#), if no Notice of Opposition is filed by either party prior to such return date, the parties shall be deemed to have consented to such motion and, provided no grand jury action on or other disposition of such charges has occurred, the requested order shall be entered on such return date. A blank Notice of Opposition form is attached hereto.

SIGNED: _____

DATED:

TITLE: _____

Designation of Title

TO: **FRANK A. SEDITA, III., ESQ.**
Erie County District Attorney
Erie County District Attorney's Office
25 Delaware Avenue
Buffalo, NY 14202
ATTN: _____

NAME OF DEFENDANT/DEFENSE ATTORNEY
Office and P.O. Address

STATE OF NEW YORK
_____ COURT : COUNTY OF ERIE

THE PEOPLE OF THE STATE OF NEW YORK

Plaintiff

-vs-

**AFFIRMATION IN SUPPORT
OF ORDER TERMINATING
PROSECUTION, PURSUANT TO
CPL §180.85**

Ind. No.

CLIENT'S NAME

Defendant

_____, ESQ., an attorney admitted to practice before the courts of this state,
affirms the following as true, under the penalties of perjury:

1. That he is the attorney for the defendant, NAME OF CLIENT and is duly authorized by him to make the application hereinafter set forth.
2. That on DATE, a felony complaint was filed against the defendant, NAME OF CLIENT in the NAME OF LOCAL CRIMINAL COURT charging said defendant, NAME OF CLIENT with the crime of SPECIFY CRIME(S).
3. The Count or Counts of the felony complaint have not been presented to a Grand Jurym, or otherwise disposed of in accordance with Article 180 of the Criminal Procedure Law.

WHEREFORE, your deponent prays for an order of this Court terminating the prosecution against the defendant, NAME OF CLIENT.

DATED:

_____, ESQ.,
Attorney for Defendant,
Office and P.O. Address
ADDRESS
Tel. No.

