

[Title of court and action]
AFFIDAVIT

[Name of defendant's attorney] , being duly sworn, deposes and says:

1. I am the attorney for the Defendant herein and am fully familiar with the facts and circumstances surrounding this action.
2. This affidavit is being made in support of a motion for a hearing to determine the issue of Defendant's capacity to stand trial.
3. On *[date of arraignment]*, the Defendant was arraigned on a felony complaint, charging the Defendant with: *[list of charges]*.
4. On *[date of assignment]*, I was assigned by this Court as counsel for Defendant.
5. On *[date of order]*, pursuant to an application made by your deponent, this Court ordered an examination to determine whether or not Defendant is an incapacitated person who as a result of mental disease or defect lacks capacity to understand the proceedings or assist in the defense.
6. Pursuant to the order the Director of *[name of facility]*, appointed Dr. *[name of examining physician 1]* and Dr. *[name of examining physician 2]* to examine the Defendant to determine the Defendant's capacity to stand trial.
7. Upon completion of their examinations Dr. *[name of examining physician 1]* and Dr. *[name of examining physician 2]* submitted their respective examination reports to the Director of *[name of facility]* who submitted them to this Court on *[date of submission]*. Copies of the examination reports are annexed hereto as Exhibits *[designation of exhibit]*.
8. That the examination reports show that Dr. *[name of examining physician 1]* and Dr. *[name of examining physician 2]* are each of the opinion that the defendant *[is/is not]* an incapacitated person.
9. That in view of the foregoing, CPL § 730.30 mandates that the court grant the relief requested herein.
10. That no previous application has been made for the relief requested herein.

WHEREFORE your deponent respectfully prays for an order, pursuant to CPL § 730.30, directing that a hearing be held to determine the issue of capacity, and for such other and further relief as the court deems proper.

Dated: *[date of affidavit]*

[Name of defendant's attorney]
[Jurat]

