

STATE OF NEW YORK  
ERIE COUNTY SUPREME COURT

THE PEOPLE OF THE STATE OF  
NEW YORK

v.

██████████

**AFFIRMATION IN SUPPORT OF APPLICATION  
FOR YOUTHFUL OFFENDER STATUS**

Indictment No.

STATE OF NEW YORK            )  
COUNTY OF ERIE            )       ss.

██████████, ESQ., an attorney licensed to practice in the courts of this State, affirms the truth of the following statements under penalties of perjury.

1. I am the attorney for the defendant ██████████, and I make this affirmation in support of his application for youthful offender status as provided in CPL 720.20(5).
2. Under this indictment, Mr. ██████████ was convicted by his guilty plea of attempted criminal sexual act in the first degree (Penal Law §§ 110.00, 130.50[1]). The offense was committed on (DATE). Mr. ██████████ was born on ██████████ 1998, making him sixteen (16) years of age at the time of the offense.
3. On ██████████, 2015, he was sentenced to three and one-half years imprisonment followed by post-release supervision. He was not determined to be a youthful offender.
4. “An individual who was an eligible youth who was not determined to be a youthful offender may apply to the sentencing court for a new determination,” provided that (i) at least five years have passed from the imposition of sentence and the date of the applicant’s latest release from incarceration and (ii) the applicant has not been convicted of any new crime since the imposition of sentence (CPL 720.20[5]).
5. Mr. ██████████ was an eligible youth. He was not convicted of any offense that would disqualify him from youthful offender status (a class A felony, an armed felony, rape in the first degree,

criminal sexual act in the first degree, or aggravated sexual abuse); he had not previously been convicted and sentenced for a felony; and he had no prior felony youthful offender adjudications (CPL 720.10[2][a], [b], [c]).

6. Mr. ██████ was released to parole supervision on ██████ 2018, and has not been re-incarcerated (see attached, Exhibit A). Additionally, he has not been convicted of any new crime since being sentenced on this case (see attached, Exhibit B).
7. Therefore, he is eligible for retroactive YO status as of ██████, 2023, five years from the date of his release from custody.
8. The Court may grant youthful offender status if, in relevant part, it finds that “the interest of justice would be served by relieving the eligible youth from the onus of a criminal record” (CPL 720.20[1][a]).
9. For the following reasons, the interest of justice would be served by relieving ██████ from the onus of his felony conviction.