

# 440 Motions

## **County Law § 722 Amended**

Effective November 8, 2019, County Law § 722 was amended by adding the following final paragraph:

Assignment of counsel upon an appeal in a criminal action pursuant to this subdivision, or pursuant to paragraph b of subdivision one of section thirty-five of the judiciary law, includes authorization for representation by appellate counsel, or an attorney selected at the request of appellate counsel by the administrator of the plan in operation in the county (or city in which a county is wholly contained) where the conviction was entered, with respect to the preparation and proceeding upon a motion, pursuant to article four hundred forty of the criminal procedure law, to vacate a judgment or to set aside a sentence or on a motion for a writ of error coram nobis; compensation and reimbursement for such representation and expenses shall be governed by sections seven hundred twenty-two-b and seven hundred twenty-two-c of this article.

[A - Sample Motion to Vacate Trial Judgment \(CPL 440.10\)](#) [pdf]

[B - Sample Motion to Vacate Guilty Plea Judgment \(CPL 440.10\)](#) [pdf]

[C - Sample Motion to Set Aside Sentence \(CPL 440.20\)](#) [pdf]

[D - Sample Motion to Enlarge Time for Appeal.440 Pending](#) [pdf]

[E - Sample Motion for Leave to Appeal.440 denial](#) [pdf]

[440 Outline](#) [pdf]

## **Non-Citizens and IAC**

[Sample Motion to Vacate](#) [pdf]

[Sample Affidavit of Defendant](#) [pdf]

[Sample Affidavit of Original Attorney](#) [pdf]

[Sample Affidavit of RIAC Attorney](#) [pdf]

[Sample 440 Order](#) [pdf]

Last updated on December 26, 2019.

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Table of Contents