

DVSJA Resources

The Statewide Appellate Support Center is available to assist attorneys who provide mandated representation with DVSJA cases. For more information, email us at SASC@ils.ny.gov

GENERAL INFORMATION

[What is DVSJA?](#)

[DVSJA Application Chart](#)

[DVSJA Eligibility Checklist](#)

[DVSJA Sentencing and Resentencing \(Onondaga Bar Association\)](#)

[DVSJA Information \(Spanish\) \(Onondaga Bar Association\)](#)

[Information on DVSJA Resentencing PowerPoint \(Onondaga Bar Association\)](#)

[DVSJA Sentencing Charts](#)

[Fact Sheet on Domestic Violence and the Criminalization of Survival](#)

STATUTES

[Penal Law § 60.12](#)

[CPL 440.47](#)

[CPL 530.11](#)

CASE LAW

[People v Addimando, 197 AD3d 106 \(2d Dept 2021\)](#)

[People v Burns, 207 AD3d 646 \(2d Dept 2022\)](#)

[People v Coles, 202 AD3d 706 \(2d Dept 2022\)](#)

[People v C.S., \(Sup Ct, NY County 2023\)](#)

[People v D.L., 72 Misc 3d 257 \(Columbia County Ct 2021\)](#)

[People v D.M., 72 Misc 3d 960 \(Sup Ct, Queens County 2021\)](#)

[People v Fisher, 2023 NY Slip Op 05764 \(3d Dept 2023\)](#)

[People v Liz L., 2023 NY Slip Op 06008 \(3d Dept 2023\)](#)

[People v N.P., 78 Misc 3d 751 \(Sup Ct, Erie County 2023\)](#)

[People v S.M., 72 Misc 3d 809 \(Erie County Court 2021\)](#)

[People v Smith, 69 Misc 3d 1030 \(Erie County Court 2020\)](#)

[People v Susan C., 217 AD3d 1576 \(4th Dept 2023\)](#)

[People v Theresa G., 78 Misc 3d 1139 \(Sup Ct, Kings County 2023\)](#)

[People v T.P., 216 AD3d 1469 \(4th Dept 2023\)](#)

[People v Williams, 198 AD3d 466 \(1st Dept 2021\)](#)

[Matter of Maria S. v Tully, 214 AD3d 988 \(2d Dept 2023\)](#)

OCA FORMS

[Application to Request Permission to Apply for Resentencing - Long Form \(Fillable\)](#)

[Application to Request Permission to Apply for Resentencing - Long Form](#)

[Application to Request Permission to Apply for Resentencing - Short Form \(Fillable\)](#)

[Application to Request Permission to Apply for Resentencing - Short Form](#)

ALTERNATIVE TEMPLATE

[Affidavit to Support Application for Resentencing Template](#)

[Instructions for Filling out Form Affidavit \(English\)](#)

[Instructions for Filling Out Form Affidavit \(Español\)](#)

MANUALS AND GUIDEBOOKS

[Intake & Case Assessment: DVSJA Resentencing -- A Guidebook for Defense Teams \(DVSJA Defender Task Force\)](#)

[DVSJA: Basic Information for Trial Counsel \(ILS\)](#)

[Domestic Violence Survivors Justice Act Resource Guide \(Survivors Justice Project\)](#)

[DVSJA Investigations Best Practices Manual \(DVSJA Defender Task Force\)](#)

[Experts and DVSJA: A Guidebook for Defense Attorneys \(DVSJA Defender Task Force\)](#)

[An Introductory Guide to Coercive Control for the DVSJA Attorney \(DVSJA Defender Task Force\)](#)

[Lawyer's Manual on Domestic Violence: Representing the Victim \(NYS Judicial Committee on Women in the Courts\)](#)

OTHER RESOURCES

[DVSJA Attorney Support Project \(NYSDA\)](#)

With the support of the DVSJA Statewide Defender Task Force and Brooklyn Law School's Survivors Justice Project, NYSDA will provide direct support services for

attorneys working on DVSJA cases, including Penal Law § 60.12 prospective sentencing cases and CPL 440.47 resentencing cases. Attorneys seeking advice and assistance on DVSJA cases should contact Stephanie Batcheller at (518) 465-3524 ext. 41. For more information, go to <https://www.nysda.org/page/DVSJA>.

Brooklyn Law School Criminal Defense and Advocacy Clinic

Through the [Survivors Justice Project](#), Brooklyn Law School clinic teams deliver pro bono services and work with survivors of domestic violence seeking resentencing through the DVSJA. The clinic filed some of the first resentencing applications under the new law, resulting in several significant reductions in prison sentences for survivors. For more information, contact Kate Mogulescu at kate.mogulescu@brooklaw.edu or (718) 780-0337.

Incarcerated Gender Violence Survivors Initiative

The Incarcerated Gender Violence Survivors Initiative (“IGVSI”) is working on DVSJA implementation and cases. The IGVSI can serve as a resource regarding CPL 440.47 resentencing motions, particularly with respect to advising on issues of intimate partner violence (“IPV”) and trauma and recommending IPV and trauma-related resources and experts. In limited instances, members of the Initiative may be able to co-counsel on cases or accept referrals. For more information, contact IGVSI@sffny.org

ARTICLES AND REPORTS

[The Complexity of Sentencing under the DVSJA](#), Atticus, Vol. 32 No. 2, Spring 2020

[Criminalizing Survival](#), Inquest, February 2, 2023

[Domestic Violence Survivor-Defendants: New Hope for Humane and Just Outcomes](#), State Bar Journal, March 2020

[DVSJA: A Sentencing Challenge for Judges](#), NYLJ, April 15, 2020

[DVSJA Resentencing Options](#), PLSNY, Pro Se Newsletter, Aug. 2019

[Incarcerated Women Helped Draft New York Law to Free Domestic Violence Survivors](#), The Appeal, June 6, 2019

[Kelly Harnett Had to Get Free](#), New York Magazine, January 4, 2023

[Sentencing Reform for Criminalized Survivors](#), The Sentencing Project and Survivors
Justice Project, April 2023

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