



*State of New York
Court of Appeals*

*Stuart M. Cohen
Clerk of the Court*

*Clerk's Office
Albany, New York 12207-1095*

October 12, 2004

NOTICE TO THE BAR

By order dated October 12, 2004, the Court of Appeals approved an addendum to the Capital Case Data Report Form required by Judiciary Law §211-a. The addendum was necessary to capture data about post-conviction activity in cases entered into the Capital Case Database pursuant to that statute. A copy of the Court's order is attached.

**Stuart M. Cohen
Clerk of the Court**

State of New York, Court of Appeals

*At a session of the Court, held at Court of
Appeals Hall in the City of Albany
on the.....12th.....day
of.....October, 2004.....*

Present, HON. JUDITH S. KAYE, *Chief Judge, presiding.*

In the Matter of

An Addendum to the CAPITAL CASE DATA REPORT FORM

Acting pursuant to the authority invested in this Court, it is hereby

ORDERED, effective immediately, that the Capital Case Data Report Form required by Judiciary Law § 211-a is revised by adopting the attached Post Conviction Activity Addendum and, as revised, is approved.



Judith S. Kaye
Chief Judge Judith S. Kaye

George Bundy Smith
Associate Judge George Bundy Smith

Carmen Beauchamp Ciparick
Associate Judge Carmen Beauchamp Ciparick

Albert M. Rosenblatt
Associate Judge Albert M. Rosenblatt

Victoria A. Graffeo
Associate Judge Victoria A. Graffeo

Susan Phillips Read
Associate Judge Susan Phillips Read

Robert S. Smith
Associate Judge Robert S. Smith

Stuart M. Cohen

ATTEST: Stuart M. Cohen
Clerk of the Court

Capital Case Data Report
Post Conviction Activity Addendum ("PCAA")

This Post Conviction Activity Addendum concerns the case of:

PEOPLE OF THE STATE OF NEW YORK against _____

_____ COURT, COUNTY OF _____

Indictment No. _____

52. Most recent appellate court:

- ☐ 1st Department
- ☐ 2nd Department
- ☐ 3rd Department
- ☐ 4th Department
- ☐ Court of Appeals

53. Most recent appellate case no.: _____

54. Date most recent appeal taken: ____/____/____

55. Most recent appellate court disposition date: ____/____/____

56. Most recent appellate court disposition (check all that apply):

- ☐ (a) Reversed Judgment
- ☐ (b) Modified Judgment
- ☐ (c) Reversed Sentence
- ☐ (d) Modified Sentence
- ☐ (e) Other _____

57. Upon a new disposition, specify all Penal Law section(s) under which the defendant was convicted (include subdivisions, paragraphs, etc.):

1. §125.27 (1) (a)(____) _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

(attach additional listing if necessary)

58. (a) Did the appellate court order a new trial? ☐ Yes ☐ No

(b) If yes, date of plea or verdict: ____/____/____/____

59. (a) Did the appellate court order a new or re-sentencing? ☐ Yes ☐ No

(b) If yes, date of sentence: ____/____/____/____

(c) Specify any sentence thereby imposed:

- ☐ 1. Death
☐ 2. Life imprisonment without parole
☐ 3. Other (specify most severe sanction): _____

(d) Judge who imposed the sentence _____

60. (a) Did a new sentence result from a separate sentencing proceeding held pursuant to CPL §400.27 ? ☐ Yes ☐ No

(b) If yes, was:

- ☐ 1. Sentence imposed by a judge
☐ 2. Sentence determined by the same jury that determined guilt
☐ 3. Sentence determined by separate sentencing jury

61. (a) If yes, was evidence presented concerning the special statutory aggravating factor (i.e., defendant previously convicted of felonies)? ☐ Yes ☐ No

(b) If yes, specify section(s) of Penal Law for New York felonies, or, if out-of state or Federal felony, name of felony:

1. _____
2. _____
3. _____
4. _____

(attach additional listing if necessary)

(c) If evidence was presented, was it found by the jury?

☐ Yes

☐ No

By: _____
(signature)

Date: _____
(month) (day)(year)

circle one: Chief Clerk

Deputy Chief Clerk