

SAMPLE NOTICE OF JUDGE’S INELIGIBILITY DECISION

_____ COURT OF THE STATE OF NEW YORK

COUNTY OF _____

People of the State of New York,

v.

Docket No.

Defendant.

This matter concerns Defendant’s application for assignment of counsel. Defendant was arraigned on _____, 2016, on the following charges: _____

Upon review of Defendant’s application, the Court determines that Defendant is not financially eligible for assignment of counsel. The Defendant has enough income and/or assets to pay for a qualified attorney, competent defense, and release on bond. The Defendant’s living expenses and financial obligations do not prevent him/her from being able to pay these costs.

In reaching this decision, the Court has considered the following information:

1) Nature of the case

a) Type of charges (check applicable descriptor):

- Violation Misdemeanor Class C, D, or E felony Class A or B felony
- Sex offense, violent felony offense, or homicide offense

b) Indication that the case may be complex: **Yes** **No**

(Indicators of complexity include, but are not limited to the following: potential need for expert, investigative, or forensic services; existence of complex legal issue; existence of possible mental health or mental competence issue).

2) Defendant’s income as set forth in the application for assignment of counsel.

3) Defendant's assets, which include (check all that are applicable):

- Bank accounts
- Securities/stocks
- Other assets (general description): _____

4) Living expenses of Defendant (including any dependents), as set forth in the application for assignment of counsel.

5) Defendant's current debt or other financial obligations (check all that are applicable):

- Medical debt
- Educational debt
- Other debt (general description): _____

6) Bail (check appropriate box):

- Defendant was released on his/her own recognizance or on pre-trial release.
- Bail was set and Defendant has the financial resources needed to pay bail.

7) Other factors considered or other reasons for the ineligibility determination:

In order to maintain the Defendant's confidentiality, the particulars of his/her finances are not included in this Decision. The assigned counsel application, the reason for the ineligibility recommendation, and any other documents regarding the Defendant's financial situation will be maintained in the Court file and are ordered to be SEALED from public view.

This shall constitute the Decision and Order of the Court.

Signed: _____

Date: _____