

STATE OF NEW YORK
COUNTY OF _____

_____ Court
(Supreme, County, District, City, Town, Village)

_____ District [*if District Court*]

_____ of _____
(City, Town, Village)

The People of the State of New York)

-against-)

) **Notice of Motion for Order Terminating**
) **Prosecution Pursuant to CPL §180.85**

Defendant)

) Docket/Case No. _____

PLEASE TAKE NOTICE that the defendant, having been arraigned on the felony complaint filed in the above-captioned case on _____, 20____, which date is more than 12 months prior to the date of this Notice of Motion, and the count or counts contained therein having not been presented to a Grand Jury or otherwise disposed of in accordance with the relevant provisions of the Criminal Procedure Law, the [*check one*] [] Defendant [] People [] Court in this case hereby move(s) for an order terminating the prosecution pursuant to CPL §180.85. No order denying a prior motion pursuant to such §180.85 has been entered in this action in the 6-month period preceding the instant application.

SIGNED: _____
[*check one*] [] Defense Attorney or Defendant [] Prosecutor [] Judge or Justice

DATED: _____

NOTICE TO PARTIES

**[TO BE COMPLETED BY THE COURT AND SERVED BY THE COURT
ON BOTH PARTIES TOGETHER WITH TOP PORTION]**

PLEASE TAKE NOTICE that the return date in this Court on the above Motion for an Order Terminating the Prosecution pursuant to CPL §180.85 is _____, 20 _____. Pursuant to such §180.85, if no Notice of Opposition is filed by either party prior to such return date, the parties shall be deemed to have consented to such motion and, provided no grand jury action on or other disposition of such charges has occurred, the requested order shall be entered on such return date. A blank Notice of Opposition form is attached hereto.

SIGNED: _____ DATED: _____

TITLE: _____

TO [*Prosecutor*]:

TO [*Defendant or Defense Attorney*]:

