

COMMUNITY RESOURCE

How Can I Learn What Happened in My Criminal Court Case in New York State?



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Introduction

Contact with the criminal legal system in New York State can begin when police issue a ticket or make an arrest. Every contact – even one that resulted in a ticket or a case that got dismissed – can potentially have an impact on your immigration status. In order for an advocate to determine how contact with the police could impact you and accurately analyze your situation, there are some documents that you or your advocate will need to gather from either the criminal court where your case was heard, your public defender or private criminal defense attorney, or the District Attorney's office.

There are many types of documents related to a case in New York criminal courts. Each type of document provides different information about the case. In many cases, you do not need every document listed below to understand what happened in a criminal case. Follow these steps to figure out the documents that you need to learn about a criminal court case.

*It is important to speak with your local public defender before going to a courthouse if you believe there might be a warrant for your arrest.

Know where to start

I don't clearly remember all my contacts with the criminal legal system.	I don't remember which court(s) heard my case(s), but remember a few details about the case(s).	l remember which court(s) heard my case(s).
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Continue to Part 1	Skip to Part 2	Skip to Part 3



Part 1: Get a RAP sheet

A RAP sheet, or a New York State criminal history record, can be a good starting point if you don't have clear memory of your contact(s) with the criminal legal system. It is a list of contacts – called "cycles" – that you have had with the criminal legal system in New York and sometimes lists contacts from other states. It is not an official record from the court and may contain partial or incorrect information about the official result of any arrests. Because of this, it should be used as a tool to help you get court records; it should not be submitted to immigration as evidence of your criminal history.

A RAP sheet is usually created at the time of arrest when someone is fingerprinted, but can also be requested outside of a criminal case.

To get a copy of your RAP sheet, you can reach out to your criminal defense attorney or the public defender office you worked for your most recent arrest. They should have received your RAP sheet as part of the criminal case and it should be in your case file. If your case was a long time ago or if they no longer have your RAP sheet, they may be able to assist you in getting a new one.

If you're unable to get a copy from your criminal defense attorney, you can get a copy of an <u>unsuppressed</u> RAP sheet, which will contain information about all your contacts with the criminal legal system including cases that are sealed or dismissed, individuals and service providers in New York can contact the Legal Action Center for assistance with getting a RAP sheet by calling (212) 243-1313, Monday-Friday from 9AM-5PM or by filling out their <u>consult request sheet online</u>. Visit <u>www.lac.org</u> for more information.

Once you have your RAP sheet, use it as a roadmap for gathering documents for each case (see <u>Part 2</u> and <u>Part 3</u> for guidance).



<u>Part 2: Figure out where to go to get criminal</u> <u>documents</u>

Once you have a sense of your criminal history, including where you were arrested or ticketed, you will need to get documents at the court where each case took place. If you were arrested in more than one borough of New York City or in different counties throughout New York State, you will have to go to multiple courts to get your documents.

Generally, criminal documents are available at the court where your case was heard. If you remember the address of where you went to court, you should go there to request your records. Go to Part 3 to read more about what types of records to request.

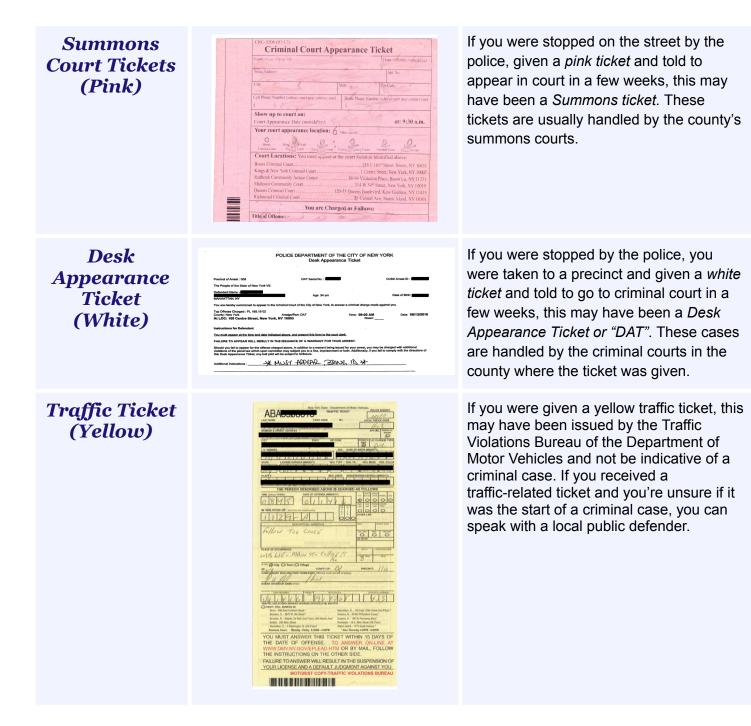
If you don't remember the name of the court your case was in, consider:

Where were you arrested or ticketed	Criminal cases are almost always heard in the county where the arrest took place. All New York State courts are listed here and organized by county. New York court names are different throughout the state. It can sometimes be confusing if your case was heard in a city, town, or village court. In different parts of New York State, courts can have different names like "summons court" "city court" "district court" "town court","village court", or "county court." Sometimes a criminal case starts in one court and gets moved to another court. You will want to get documents from the court where the case ended or was resolved. If you are not sure where it ended up, you can always go to the court you remember and ask the clerk for more information.
What level of crime you were accused or convicted of	 In New York State, people are generally charged with offenses that are classified as felonies, misdemeanors, or violations. Sometimes the cases are heard at specific courts based on the level of offense. Violations are generally handled by Summons, Criminal, City, District, Town, or Village Courts. Misdemeanors are generally handled by Criminal, City, District, Town, or Village Courts. Felonies are generally handled by County or Supreme Courts.
Whether you were accused of a New York State or Federal crime	If you are arrested in New York State, you could be charged with violating New York State criminal laws or you could be charged with violating Federal criminal law. State crimes are tried in New York state courts Federal crimes are tried in U.S. District Courts You may not remember whether you were facing New York State or Federal Criminal charges but if you remember where you had to appear in court, it may help you or a loved one figure out where to gather the documents needed from that case. There are 4 Federal District Courts in New York State, see the list in Part 7. in case any of the addresses or names are familiar from your case.



What if I was ticketed instead of arrested by the police?

- An encounter with a police officer in New York State may end up with you being issued a ticket on the street or at a police precinct. Although this interaction may not result with you being handcuffed or fingerprinted, the ticket could still be the start of a criminal case.
- If you were ever ticketed by a police officer, below are some clues as to what type of ticket you were issued.





What if I got a ticket on a New York City subway or bus?

If you were given a yellow traffic ticket, this may have been issued by the Traffic Violations Bureau of the Department of Motor Vehicles and not be indicative of a criminal case. If you received a traffic-related ticket and you're unsure if it was the start of a criminal case, you can speak with a local public defender.

If you were given a ticket on a New York City subway or a bus, you could have been ticketed by the police (NYPD) or by MTA officers who are part of the <u>Transit Adjudication Bureau</u> (TAB). MTA officers will issue a TAB ticket (also called a "notice of violation"). Police officers will typically issue a Summons or Desk Appearance Ticket (<u>see above</u> for information about how to resolve these tickets), but are also allowed to issue TAB tickets.

<section-header><form>

MTA TAB

Ticket

TAB tickets are issued to people who are accused of violating the rules of the NYC transit system such as failing to pay a fare, smoking, or interfering with the movement of a train. MTA rules are *civil*, not criminal, and the penalty is usually paying a fine. TAB tickets are not part of the criminal legal system. To get a record of a paid TAB ticket, you have to go to the Transit Adjudication Bureau in Brooklyn for proof of it. (See Part 4)



<u>Part 3: Save Yourself Time: Call the Court Before</u> <u>Going</u>

Generally, criminal documents are available at the court where your case took place, but it's a good idea to call first to confirm that they have your documents and that you have the information and payment they require.

It is important to speak with your local public defender before going to a courthouse if you believe there might be a warrant for your arrest.

You can find the contact information for <u>all New York State courts here</u>. You can find <u>contact information for</u> <u>select New York City-area and Federal courts in Part 7</u>.

Getting Support from the Local Public Defender Office

If you ever missed court or don't remember what happened to your criminal case, there could be an open warrant for your arrest. If you are concerned that you may have a warrant, it's a good idea to talk with the local public defense office *before* going to court. They can look into whether there is a warrant and can offer legal advice on what to do if there is.

If you had a New York State case, contact a state public defense office:

The New York City public defense offices are:

Bronx County

- <u>Bronx Defenders</u> 718-838-7878
- <u>The Legal Aid Society</u> 718-579-3000, ask for Central Records
- Office for assigned lawyers from 18-b panel 212-676-0061

Brooklyn (Kings County)

- Brooklyn Defender Services 718-254-0700
- The Legal Aid Society 718-237-2000, ask for Central Records
- Office for assigned lawyers from 18-b panel 212-676-0055

Manhattan (New York County)

- <u>New York County Defender Services</u> 212-803-5100
- <u>Neighborhood Defender Services of Harlem</u> 212-876-5500
- The Legal Aid Society 212-298-5000, ask for Central Records
- Office for assigned lawyers from 18-b panel 212-676-0061

Queens County

- <u>Queens Defenders</u> 718-261-3047
- The Legal Aid Society 718-286-2000, ask for Central Records
- Office for assigned lawyers from 18-b panel 212-676-0055

Staten Island (Richmond County)

- The Legal Aid Society 347-422-5333
- Office for assigned lawyers from 18-b panel 212-676-0055

A list of public defense offices in New York State can be found here.



If you had a federal case in New York, contact a federal public defense office:

Federal Defenders of New York

Eastern District (Cases from Manhattan, the Bronx, and the lower Hudson Valley)

- Manhattan 212-417-8700
- White Plains 914-428-7124

Federal Defenders of New York

Southern District (Cases from Brooklyn, Queens, Staten Island, and Long Island)

- Brooklyn 718-330-1200
- Central Islip 631-712-6500

Office of the Federal Public Defender

Northern District (Cases from upstate New York)

- Albany 518-436-1850
- Syracuse 315-701-0080

Federal Public Defender

Western District (Cases from western New York)

- Buffalo (716) 551-3341
- Rochester (585) 263-6201



Part 4: Get the document that shows how your case ended for all your arrests and/or tickets

Getting Certificates of Disposition for State Criminal Cases

Once you know your criminal history, the first step is to get Certificates of Disposition (CoDs) for all your arrests and/or tickets, even for cases that were dismissed or sealed. The CoD is the official court document that explains what happened in a criminal case. *There should be a CoD available for every arrest, ticket, or summons where charges were filed in a criminal court.* This includes cases that were dismissed or sealed at the end of the case.

<u>A CoD is the most important document for learning about a criminal court case. It has to be specifically</u> requested; it is not in the criminal court file! You have to go to the court where you appeared for your case(s) to request the CoD for each case. If you were arrested in more than one borough in New York City, you will have to go to the court in each borough where you appeared for your case.

Name of Document	What is this document and why does it matter?	
Certificate of Disposition (CoD) This is the most accurate document for learning what happened in a criminal case.	 A CoD is an official court document that explains the result of a criminal case. A CoD could include information such as: the court where the case happened the docket number or indictment number the case outcome (such as dismissed, acquitted at trial, found guilty by plea, found guilty at trial) the date of the case outcome and any sentence information 	

If your criminal case is still open you won't be able to get a Certificate of Disposition until the case ends. Note that cases that end in an Adjournment in Contemplation of Dismissal (ACD) aren't considered closed until the actual dismissal date. In most courts, you won't be able to get a CoD until the dismissal date. If you're not sure if your case is still open, reach out to your criminal defense attorney.

How do I get Certificates of Disposition for myself or someone else?

- To request a CoD, you should go to the Clerk of the Court at the court where you appeared in front of the judge. If you are requesting your own records, you may need to show a photo ID.
- If you are requesting a CoD on someone else's behalf, you will need their name and date of birth.
- If the case is sealed, the person who had the case also needs to sign and notarize a release form for someone else to request the documents.
- In some courts, the clerk may charge a fee (usually \$10 per CoD), but you may be eligible for a fee waiver with proof of public assistance. A public defender may also request these documents on your behalf at no cost

What if I was arrested and charges were never brought to court?

If you were arrested in New York and charges were never formally brought against you – meaning you
never had to go to court and you didn't see a judge – you won't be able to get a Certificate of



Disposition. You must request an "Undocketed Arrest" or "Declined Prosecution" letter instead.

- A "Declined Prosecution" (DP) letter is the official record from the District Attorney's (DA) office confirming that although an arrest was made, the DA did not bring formal charges and declined to prosecute the case. These letters may also be called "Undocketed Arrest" letters.
- You will not automatically be given a DP letter. You need to request it from the District Attorney's clerk
 and will not be able to get it from the criminal court. You should have a photo ID, your date of birth, the
 arrest number (if you have it), and an approximate date of arrest. There is no fee to request a DP letter.
- To request it: Go to the District Attorney's office in the county where you were arrested and request the letter with their clerk. If you have concerns about going to the DA's office, you can talk to the local public defender's office for support. See Part 3.

Getting Disposition Letters for TAB Tickets

If you got a ticket on the subway, you will need to figure out whether it was a TAB ticket (also called a "notice of violation") or a ticket that led your case to criminal court. TAB tickets are always handled by the TAB office in Brooklyn, no matter where you got the ticket. You can get a Disposition Letter from TAB, which will show that you have resolved your tickets, by going to their office. If you are requesting a TAB disposition letter for yourself, you will need to come in person and your identification card and cash. TAB only accepts cash payments.

The disposition letter costs \$5 if you have received 1 or 0 TAB tickets. If you have received 2 or more TAB tickets, a disposition letter costs \$10. If you have any open TAB tickets, they must be paid before you will be given a disposition letter.

Transit Adjudication Bureau (TAB) 9 Gallatin PI, 3rd Floor Brooklyn, NY 11201 347-643-5805

If you have unpaid TAB tickets and have questions before going to the TAB office and paying them, you can call the NYC Financial Justice Hotline at 212-925-4929.

If, instead, you got a ticket from an NYPD officer and had to go to court to resolve the case, you will need to go to the court where you appeared to get a <u>Certificate of Disposition</u> showing the outcome of the case.

Getting Judgments for Federal Criminal Cases

- The official record of what happened in a Federal criminal case is called a "judgment". They are not called Certificates of Disposition.
- To request the judgment from your case, you have to contact the U.S. District Court where your case
 was heard. The records office will need your name and the case number. They will be able to tell you if
 your case's records are stored at the courthouse or at the National Archives.
- If the case records are stored at the court, they will give you a copy for free. You need to go to the court in person, but do not need any form of identification.
- If the case records are not stored at the court, the records room will submit a request to the National Archives. This request costs \$70 and can be done in person at the court. Before ordering records from the National Archies, consider contacting your previous attorney. This may prevent you from having to pay \$70 for this request.
- Consider reaching out to your criminal defense attorney from your case to see if they have these documents or can help you obtain what you need.



<u>Part 5: Talk to a trusted attorney or advocate to</u> <u>learn whether you need any additional documents</u> <u>to understand your case(s)</u>

Name of Document	What is this document and why does it matter?	
Court file	This is a record of all of the documents kept by the judge(s) who heard the criminal case.	
	 The court file could include information such as: documents that the prosecutor submitted to the court against the accused person, including a criminal complaint or indictment a RAP sheet showing prior arrests any documents that the defense attorney or accused person submitted to the court the judge's notes about what happened at each court appearance 	
Plea and Sentencing Minutes	The minutes of a case are a written transcript of what was said on the record in the courtroom during a hearing.	
This document is not in the court file	The plea minutes are a written transcript of what was said in the courtroom when the accused person pleaded guilty.	
	The sentencing minutes are a written transcript of what was said in the courtroom at the time the person received a sentence in their criminal case.	
	NOTE: The plea and sentencing minutes may be on different dates.	

Getting the Court File

To request a court file, you can write to or call the Clerk of Court where the accused person appeared in front of the judge and ask the court to send you a copy of the entire court file. Sometimes, the court file has been destroyed or lost; in this case, you should ask the court for a letter stating that the court file is not available.

To request a court file, you need:

1	the name of the accused person
2 the docket number (if the case was in Criminal Co	
	OR the indictment number (if the case was in Supreme Court)

*If you need the file quickly, you might be able to make photocopies at the court, but they may charge you a fee per page. You might also be able to take photos with your phone or camera for no charge. If you take photos or make copies, you should also copy the outside of the file folder. This has useful information, such as the dates of the court appearances and the outcome of the case.



Getting the Plea or Sentencing Minutes

You should call the Court Reporters Office at the court where the accused person appeared in front of the judge. The Court Clerk's Office can confirm the name of the reporter for that hearing, and where to send a written request for the minutes. The reporter can send the minutes by mail or by e-mail.

This process may take a few days or as long as 2 months, depending on the reporter. This is because the reporter, not the court, has the minutes in their possession. If a reporter has retired or died, the minutes may not be available. In this case, you should ask the court for a letter stating that the minutes are not available.

Some smaller village courts don't have a court reporter, but instead record audio of the proceedings. In this case, you'll need to speak to the court about finding a transcription service.

To request plea or sentencing minutes, you need:

1	The name of the accused person
2	The docket number (if the case was in Criminal Court) OR the indictment number (if the case was in Supreme Court)
3	The date that the person pleaded guilty or was sentenced
4	The name of the judge who heard the case on the date of the plea or sentencing



Part 6: New York State Criminal Court Documents

Document	What it is	How to get it
Certificate of Disposition (COD)	A CoD is an official court document that explains the result of a criminal case. This is the most important document for learning about a criminal court case. This document is not in the court file.	 Go to the Clerk of the Court at the court where you appeared in front of a judge. For yourself: Bring a photo ID. For someone else: You will need their name and date of birth. If a case is sealed, the person who had the case also needs to sign and notarize a release form for someone else to request documents. In some courts, clerk may charge a fee (usually \$10 per CoD), but a fee waiver may be eligible.
Court file	 This is a record of all of the documents kept by the judge(s) who heard the criminal case. The court file could include information such as: Documents that the prosecutor submitted to the court against the accused person, including a criminal complaint or indictment A RAP sheet showing prior arrests Any documents that the defense attorney or accused person submitted to the court The judge's notes about what happened at each court appearance 	 Write or call the Clerk of Court where the accused person appeared in front of a judge. Ask the court to send you a copy of the entire court file. You'll need the name of the accused person and the docket number (Criminal Court) or indictment number (Supreme Court).
Plea or sentencing minutes	The minutes of a case are a written transcript of what was said on the record in the courtroom during a hearing. The plea minutes are a written transcript of what was said in the courtroom when the accused person pleaded guilty. The sentencing minutes are a written transcript of what was said in the courtroom at the time the person received a sentence in their criminal case. NOTE: The plea and sentencing minutes may be on different dates.	Call the Court Reporters Office at the court where the accused person appeared before a judge. They will confirm the name of the reporter for the hearing and where to send a written request for the minutes. You will need the name of the person who had the case, the docket or indictment number, the date the person pleaded guilty or was sentenced, and the name of the judge who heard the case on the date of the plea or sentencing.



Appendix: New York State Contact Information

New York City Criminal Courts

Bronx

Bronx Criminal CourtBronx Supreme CourtBronx Criminal Court215 E 161 StCriminal TermSummons Court, 215 E 161 StBronx, NY 10451265 E 161 StBronx, NY 10451Clerke, 740, 640, 2400Bronx, NY 20454	St		
Clerk – 718-618-2460 Bronx, NY 10451 Clerk – 718-618-2480 & 646-38 Court Reporter – 718-618-2462 Clerk – 718-618-3100 Court Reporter – 718-618-1500 x316	6-4950		
Brooklyn (Kings County)			
Kings County Criminal Court 120 Schermerhorn St Brooklyn, NY 11201 Clerk – 347-404-9409 Court Reporter – 347-404-9357Kings County Supreme Court - Criminal Term 320 Jay St Brooklyn, NY 11201 Clerk – 347-296-1076 Court Reporter – 347-296-1381Red Hook Community Justice O Summons Court 88-94 Visitation PI Brooklyn, NY 11203 Clerk – 718-923-8270	Center -		
Manhattan (New York County)			
Manhattan Criminal CourtManhattan Supreme CourtMidtown Community Court - Su100 Centre StCriminal TermCourtNew York, NY 10013100 Centre St.314 W 54th StClerk – 646-386-4511New York, NY 10013New York, NY 10013Court Reporter – 646-386-4780Clerk – 646-386-4000Clerk – 646-386-4400			
Queens			
Queens Criminal Court (+Part N60) 125-01 Queens Blvd., Room G-56 Queens, NY 11415 Clerk - 718-298-0792 Court Reporter - 718-298-0751Queens Supreme Court - Criminal Term 125-01 Queens Blvd. Queens Blvd. Queens Blvd. Queens, NY 11415 Clerk - 718-298-1400 Court Reporter - 718-298-0881Queens Criminal Court Summer 125-01 Queens Blvd. Kew Gardens, NY 11417 Clerk - 718-298-0881			
Staten Island (Richmond County)			
Staten Island Criminal CourtRichmond County SupremeStaten Island Criminal Court26 Central Ave.Criminal TermSummons CourtStaten Island, NY 1030126 Central Ave., Room 24026 Central Ave., Room 120Clerk – 646-386-4500Staten Island, NY 10301Staten Island, NY 10301Court Reporter – 718-675-8534Clerk – 718-275-8760Clerk – 718-675-8558			
Multiple New York City Counties			
Brooklyn & Manhattan Criminal Summons CourtTransit Adjudication Bureau [not a criminal court]1 Centre St, 16th Floor9 Gallatin PI, 3rd FloorNew York, NY 10007Brooklyn, NY 11201Clerk – 646-386-4937347-643-5805	9 Gallatin PI, 3rd Floor Brooklyn, NY 11201		

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Long Island Criminal Courts

Nassau County

Nassau County District Court 99 Main Street, Second Floor Hempstead, NY 11550 Clerk – 516-493-4210 Nassau County Court 262 Old Country Road Mineola, New York 11501 Clerk – 516-493-3710

Suffolk County

Suffolk District Court 400 Carleton Ave Central Islip, NY 11722 Clerk – 631-208-5800 Suffolk County Court 210 Center Drive Riverhead, NY 11901 Clerk – 631-852-2000 x55854

All New York State Criminal Courts

A list of all New York criminal courts can be found here and is organized by county.

New York State Public Defense Offices

New York City Public Defense Offices

Bronx County

- Bronx Defenders 718-838-7878
- The Legal Aid Society 718-579-3000, ask for Central Records
- Office for assigned lawyers from 18-b panel 212-676-0061

Brooklyn (Kings County)

- Brooklyn Defender Services 718-254-0700
- The Legal Aid Society 718-237-2000, ask for Central Records
- Office for assigned lawyers from 18-b panel 212-676-0055

Manhattan (New York County)

- <u>New York County Defender Services</u> 212-803-5100
- Neighborhood Defender Services of Harlem 212-876-5500
- <u>The Legal Aid Society</u> 212-298-5000, ask for Central Records
- Office for assigned lawyers from 18-b panel 212-676-0061

Queens County

- <u>Queens Defenders</u> 718-261-3047
- <u>The Legal Aid Society</u> 718-286-2000, ask for Central Records
- Office for assigned lawyers from 18-b panel 212-676-0055

Staten Island (Richmond County)

- The Legal Aid Society 347-422-5333
- Office for assigned lawyers from 18-b panel 212-676-0055



New York State Public Defense Offices

A list of all public defense offices in New York State can be found here.

New York State District Attorney's Offices

The DAs' offices in New York City are located at:

- Bronx County 198 E 161 Street Bronx, NY 10451
- Brooklyn (Kings County) 350 Jay Street Brooklyn, NY 11201
- Manhattan (New York County) One Hogan Place New York, NY 10013
- Queens County 125-01 Queens Boulevard Kew Gardens, NY 11415
- Staten Island (Richmond County) 130 Stuyvesant Place, 7th Floor Staten Island, NY 10301

New York District Attorney's offices outside NYC can be found here.

All clerk's offices are open Monday – Friday, 9am to 5pm.

Federal Courts in New York

The federal trial courts are called the U.S. District Courts. New York has four District Courts.

Court	Jurisdiction	Contact information
Southern District of New York (SDNY)	Hears cases from Manhattan, the Bronx, and the lower Hudson Valley	Daniel Patrick Moynihan Courthouse 500 Pearl Street 3rd Floor, Room 370 New York, NY 10007 (200 Worth Street entrance) Records – 212-805-0700 Court Reporters Office – 212-805-0300
Eastern District of New York (EDNY)	Hears cases from Brooklyn, Queens, Staten Island, and Long Island	225 Cadman Plaza East Brooklyn, NY 11201 Records – 718-613-2285
Northern District of New York (NDNY)	Hears cases in upstate New York	Multiple <u>locations</u> and <u>clerks offices</u> ; you can go to whichever is closest to you.
Western District of New York (WDNY)	Hears cases from Western New York.	Multiple <u>locations and clerks offices</u> ; you can go to whichever is closest to you.



Federal Public Defense Offices in New York

Federal Defenders of New York

Eastern District (Cases from Manhattan, the Bronx, and the lower Hudson Valley)

- Manhattan 212-417-8700
- White Plains 914-428-7124

Federal Defenders of New York

Southern District (Cases from Brooklyn, Queens, Staten Island, and Long Island)

- Brooklyn 718-330-1200
- Central Islip 631-712-6500

Office of the Federal Public Defender

Northern District (Cases from upstate New York)

- Albany 518-436-1850
- Syracuse 315-701-0080

Federal Public Defender

Western District (Cases from western New York)

- Buffalo (716) 551-3341
- Rochester (585) 263-6201