

NOTE: This sample document contains a wholly fabricated scenario and is only to be used as a reference point *prior to* conducting your own independent legal research and factual investigation. The footnotes in this sample document are intended to be included as integral parts of the affidavit. The endnotes provide additional information and practice tips to help users of this sample document.

SUPREME COURT: STATE OF NEW YORK
COUNTY OF NEW YORK: PART __

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THE PEOPLE OF THE STATE OF NEW YORK

-against-

AFFIRMATION IN
SUPPORT OF MOTION
DCKT. NO. _____

CLIENT

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Mrs. Client affirms under penalty of perjury that the following statements are true, and are based on her personal knowledge of the relevant events:

1. I am married to Mr. Client; we have been married since September 5, 2003.
2. We have two children – Sabrina, age 2, and Luther, age 4.
3. I am a United States citizen, as are our children; we live in an apartment in the Bronx.
4. Since I met my husband in 2002, he has always worked full-time; he was a manager at Calabrese’s Auto Repair Shop for nine years, from 2004 until he was put in jail by ICE in 2013.
5. My husband’s parents, his brother, and his sister also live in the Bronx; he has no family or friends in the Dominican Republic with whom he has any contact.
6. When my husband was arrested in January 2009, I was already pregnant with Luther, although we did not realize that fact until February 2009.

7. After the arrest but before his first court date, my husband and I discussed the charge several times. My husband often said that he was afraid that his boss would find out and fire him. He also kept saying that he believed that he could prove that the cop had no right to stop him, and that the cocaine belonged to his brother-in-law, not to him.
8. I spoke with my husband on the phone on March 25, 2009, while he was trying to decide whether to accept the deal. After a long discussion about what to do, my husband told me that he was going to follow his attorney's advice and take the deal even though he was innocent, to avoid the risk of getting convicted and being put on probation. The proposed deal seemed like the best solution to a bad situation, and my husband was very worried that his boss would fire him if he found out about the charge; my husband wanted to just "get it over with" so he did not need to take more time off work to go to court.
9. In October of 2013, my husband and I went on a long-delayed honeymoon; when we flew back into JFK airport, customs processed my paperwork and let me through, but one of the cops pulled my husband aside to ask him some questions. The cop had a copy of my husband's RAP sheet and I heard the cop ask my husband about the conviction.
10. Up until that time, neither of us had any idea that my husband could get deported because of the conviction.
11. I went home without my husband and immediately called Mr. Lawyer, who explained that ICE could deport my husband because of his plea to a controlled substance offense.
12. I talked to my husband, who was devastated at the news, and we immediately hired Mr. Lawyer to represent my husband in a Motion to Vacate the Conviction due to Mr. Prior Lawyer's failure to tell my husband that he could be deported because of the plea.

DATED: NEW YORK, NEW YORK
_____, 2014

Mrs. Client