

NO. 82175-5

THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

VALENTIN SANDOVAL,

Petitioner.

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I. INTRODUCTION

As the U.S. Supreme Court recognized more than 60 years ago, the immigration consequences of pleading guilty to a crime can be devastating for noncitizens and their families. *See Bridges v. Wixon*, 326 U.S. 135, 164 (1945) (“The impact of deportation upon the life of an alien is often as great if not greater than the imposition of a criminal sentence. A deported alien may lose his family, his friends and his livelihood forever. Return to his native land may result in poverty, persecution and even death.”). In light of this reality, the Washington Defender Association’s Immigration Project assists attorneys in addressing the immigration-related issues that impact their representation of noncitizen clients. Had Petitioner’s counsel used these readily available resources, it is probable that the outcome in the instant case would have been different.

II. ARGUMENT

A. Washington State Criminal Defense Attorneys Have Easy Access To Comprehensive Resources To Assist Them In Competently And Efficiently Advising Noncitizen Clients Regarding Immigration Consequences.

Washington State has long recognized the importance of ensuring that defense attorneys have the resources to competently advise clients about immigration consequences in the scope of their representation. Established over ten years ago, the Washington Defender Association’s

Immigration Project (“WDA’s Immigration Project” or “the Project”) provides criminal defense attorneys with immigration-related technical assistance and education to effectively represent noncitizen clients.

The importance of immigration issues to any noncitizen facing a criminal prosecution are obvious. As the Supreme Court has cautioned, “In this area of the law, involving as it may the equivalent of banishment or exile, we do well to eschew technicalities and fictions and to deal instead with realities.” *Costello v. INS*, 376 U.S. 120, 128 (1964). Competent defense counsel provide the only real opportunity that the vast majority of noncitizen defendants have to address the life-altering immigration consequences that may flow from their criminal convictions.

In fact, once removal proceedings have commenced it is usually too late to mitigate the immigration consequences of their criminal conviction.¹ However, in the course of the criminal proceedings, informed defense counsel often successfully negotiate plea bargains that ensure justice is done while also mitigating the immigration consequences to the defendant.

¹ A noncitizen facing removal for a criminal conviction must seek both post conviction relief in state court and contest his or her deportation, often simultaneously. Most are subject to mandatory detention, and thus, must make such challenges while incarcerated. *See* 8 U.S.C. §1226(c). *See also* Department of Justice Statistical Yearbook, FY 2008 (<http://www.justice.gov/eoir/statpub/fy08syb.pdf>).

In Washington State, the duty to provide competent immigration advice is not merely an aspirational goal recommended by a distant national advisory body that already-overburdened defenders cannot reasonably be expected to fulfill.² Rather, this duty was made attainable with the establishment of WDA's Immigration Project.

Funded primarily by Washington State, WDA's Immigration Project was created to recognize both the critical nature of immigration consequences to noncitizen defendants and the need for defenders to have meaningful resources to help them address this complex and dynamic area of law. Specifically, WDA's Immigration Project's provides *individual case assistance*, as well as training and resource materials to criminal defenders in order to ensure that they have the necessary resources to effectively and efficiently incorporate the immigration needs of their noncitizen clients into the scope of their representation.³

The Project offers free immigration consultations to public and private criminal defense counsel who seek assistance. In addition to the

² Washington state's practice is in accord with the standards that have been established by the American Bar Association (ABA) and the National Legal Aid and Defender Association (NLADA). These associations specifically incorporated the duty to investigate and advise a noncitizen defendant regarding immigration consequences as an established norm of professional conduct. See ABA Standards for Criminal Justice, Pleas of Guilty, Standard 14.3-2(f) at 9 (3rd ed. 1999); NLADA Guidelines 2.2(b)(2)(A) (initial interview), 6.2(a) (plea bargaining), and 8.2(b) (sentencing).

over 12,000 individual case consultations, WDA's Immigration Project has provided over 100 trainings, reaching more than 5,000 participants on the immigration consequences of crimes.⁴

Washington State dedicates more resources to providing attorneys with the information and tools necessary to competently represent noncitizen defendants than any state other than New York. Its two full-time staff have a together over 40 years of immigration legal experience and are nationally recognized experts in immigration and criminal law.⁵

Immigration Project staff are available every day to take attorney requests for assistance on negotiating cases and advising noncitizen clients in criminal cases. Individual case assistance consultations usually take less than thirty minutes of time. Lawyers are provided with analysis and options within 48 hours of making a request, unless a more urgent response is required.

Any attorney may obtain, at any time, current information about the immigration consequences of specific Washington criminal offenses

³ For a detailed overview of the resources provided by WDA's Immigration Project see <http://www.defensenet.org/immigration-project>.

⁴ Statistics on file with Amicus Curiae, Washington Defender Association.

⁵ Information on WDA's Immigration Project staff is available at <http://www.lexisnexis.com/practiceareas/immigration/pdfs/web814.pdf> and <http://www.lexisnexis.com/practiceareas/immigration/pdfs/web814.pdf>.

on WDA's website.⁶ Online resources also include strategies for effectively negotiating cases to mitigate these consequences.

WDA's Immigration Project staff also regularly provides training on a wide variety of immigration-related topics. These trainings occur both in live seminars and over the computer, which means they are available to attorneys wherever they practice in the state. The Project prioritizes trainings that focus on providing attorneys with the tools to identify specific immigration consequences of particular offenses and strategies to effectively address these consequences when negotiating plea agreements or advising a client to go to trial.⁷

WDA's Immigration Project serves a more fundamental purpose, in that its purpose is to assist attorneys in ensuring that their noncitizen clients make informed decisions about their criminal proceedings.

Consequently, even where a defender is unable to negotiate a plea that avoids inevitable deportation, a noncitizen defendant can factor the

⁶ See the WDA website at www.defensenet.org/immigrationproject.

⁷ For example, a noncitizen defendant's plea to assault in the fourth degree pursuant to RCW 9A.36.041 can render her subject to automatic deportation as an "aggravated felon" under 8 U.S.C. 1101(a)(43)(F) where the sentence imposed, regardless of time suspended, is 365 days. See 8 U.S.C. 1101(a)(43)(F), 1227(a)(2)(A)(iii) and 1228(b). See also *U.S. v. Gonzalez-Tamariz*, 310 F.3d 1168 (9th Cir. 2002). Obtaining a one day difference in the sentence imposed (364 days versus 365 days) avoids this consequence. See *State v. Quintero-Morelos*, 133 Wn.App. 591, 137 P.3d 114 (2006).

potentially severe immigration consequences into his decision to accept a plea to a deportable offense or risk trial.

The Washington State legislature recognized the importance of immigration consequences to noncitizen defendants more than 25 years ago when it created RCW 10.40.200, establishing a statutory duty upon *courts* to notify defendants of possible immigration consequences when accepting a plea. However, such notice only has meaning for noncitizen defendants when it is recognized as part of the much broader duties of defense counsel.⁸ Consequently, in adopting updated Standards for Indigent Defense Services in 2007, the WSBA Board of Governors specifically singled out the capacity to address immigration consequences as part of the *minimum* professional qualifications for competent attorneys.⁹ They did so resting upon the knowledge that the Washington State criminal defense bar has an established tradition of affording defenders the means to meet such an obligation.

In an area of legal practice plagued with a perpetual scarcity of resources, it stands as testament to the critical nature of this duty that

⁸ See *State v. Sandoval*, No. 82175-5, Brief of Amicus Curiae American Civil Liberties Union at 3.

⁹ See WSBA Standards For Indigent Defense Services, Standard 14-1, Sept. 20, 2007, available at: <http://www.defensenet.org/about-wda/WSBA%20Indigent%20Defense%20Standards.pdf>

Washington State has ensured for more than a decade that attorneys have ready access to the necessary resources to meet the obligations required to effectively represent noncitizen clients.

B. Had Defense Counsel Even Briefly Consulted With Competent Immigration Counsel He Would Have Been Advised Of The Drastic Consequences Of His Proposed Plea And Made Aware Of Numerous Realistic Alternative Plea Possibilities.

With proper consultation from an immigration specialist, there is a reasonable probability that the outcome of this case could have been resolved without the immigration consequences and in a way acceptable to both the state and the petitioner. Defense counsel did not investigate or pursue plea negotiations to secure agreement to any of the several alternative offenses that would have avoided deportation, including more serious offenses that could very well have been acceptable to the State.

Minimal consultation with an immigration specialist, or even brief review of the extensive resources currently available¹⁰ would have enabled counsel to competently advise and advocate for his client. Additionally, Petitioner

¹⁰ In addition to the significant resources available online from WDA's Immigration Project, *supra* at 6, there is (and was in 2006) a plethora of available resources to assist criminal defenders in determining immigration consequences of crimes. In addition to the online resources of WDA's Immigration Project. *See Padilla v. Kentucky*, No. 08-651, Amicus Curiae Brief of National Association of Criminal Defense Lawyers, Et. Al., in support of Petitioner, for a comprehensive over view of these resources.

would have been able to accurately make appropriately informed decisions with regard to his case and the strength of the evidence against him.

Mr. Sandoval made it clear to his counsel that he was a longtime lawful permanent resident and that it was of paramount concern to him that he did not lose his ability to live lawfully in the United States. PRP Ex. 1 (attorney declaration). Despite this, however, counsel failed to engage in any investigation of the immigration consequences of the plea he negotiated and advised his client to accept. *Id.* In addition to erroneously advising his client to accept a plea to what was, in fact, a clearly deportable offense, counsel further provided the petitioner with the patently incorrect information that he would be immediately released from jail and could “ameliorate” any immigration consequences raised by his plea upon release from jail. PRP Ex. 1, pp. 1-2.

Had the petitioner’s attorney consulted competent immigration counsel he would have known that the immigration detainer that had been placed upon the petitioner would have resulted in immediate transfer to federal custody and commencement of removal proceedings. *See* 8 C.F.R. 287.7.¹¹

¹¹ *See also* online materials of the Department of Homeland Security’s Bureau of Immigration and Customs Enforcement available at www.ice.gov.

More importantly, had trial counsel even made minimal contact with WDA's Immigration Project or other competent immigration counsel he would have been made instantly aware that rape offenses are explicitly listed in the immigration statute as aggravated felonies that subject noncitizens (even longtime lawful residents like Petitioner) to virtually automatic deportation¹² and that the Ninth Circuit Court of Appeals has specifically ruled that RCW 9A.44.060 falls within this aggravated felony provision. *U.S. v. Yanez-Saucedo*, 295 F.3d 991 (9th Cir. 2002).

Moreover, competent immigration counsel could have easily and quickly provided trial counsel with viable alternatives to pursue in the course of plea negotiations. These alternatives would have permitted Mr. Sandoval to consider pleading guilty to an offense that would result in automatic deportation. For example, Mr. Sandoval could have agreed to a plea to the more serious offense of assault in the second degree (RCW 9A.36.021) or assault in the third degree (RCW 9A.36.031(f)) both of

¹² See 8 U.S.C. 1101(a)(43)(A). Noncitizens with criminal convictions classified as aggravated felonies under 8 U.S.C. 1101(a)(43) are subject to virtually automatic deportation (see 8 U.S.C. 1227(a)(2)(A)(iii) and 8 U.S.C. 1228(b)), most (except for lawful permanent residents) are stripped of their due process right to a hearing before an immigration judge (8 U.S.C. 1228(b)), barred from virtually all forms of ameliorative relief from removal (see, e.g., 8 U.S.C. 1229b(a); 8 U.S.C. 208(b)(2)(B)(i); 8 U.S.C. 1182(h)(2)); subject to mandatory detention for the duration of their removal procedures (see 8 U.S.C. 1226(c)); and, if subsequently prosecuted for illegal reentry pursuant to 8 U.S.C. 1326, face significant sentence enhancements (see USSG §2L1.2).

which, at the time of his plea, he could have agreed to a “sexual motivation” enhancement under RCW 9.94A.835.

Had counsel obtained a plea to either of these alternatives and obtained a sentence of less than one year, not only would Mr. Sandoval not have been classified as an aggravated felon under immigration law, due to his long lawful residence and lack of prior convictions, he would not have faced deportation *at all*.¹³ Even assuming *arguendo* that the government had sought Petitioner’s removal on one of these alternative grounds, due to his long period of lawful residence he would have qualified to ask the immigration judge for a discretionary waiver of his deportation. *See* 8 U.S.C. 1227A(a).

The difficulties in obtaining post-conviction relief under Washington State law combined with the additional burdens that post-conviction plea modifications place on respondents in removal

¹³ Assault in the second degree can trigger deportation as an aggravated felony “crime of violence” but only where a sentence of one year is imposed. *See* 8 U.S.C. 1101(a)(43)(F). It can also trigger deportation as a crime of moral turpitude (CIMT). However, it would not have triggered this ground of deportation for Mr. Sandoval since the offense was not committed within five years of his admission. *See* 8 U.S.C. 1227(a)(2)(A)(i). Thus, as long as he had received a sentence of less than one year, a plea offer to assault in the second degree would not trigger deportation.

proceedings¹⁴ further make clear that defense counsel's advice concerning subsequent "amelioration" was completely misguided. PRP Ex. 1, pp. 1-2.

In light of readily available resources that could have provided counsel with the requisite information to alter the outcome of the criminal proceedings, his failure to appropriately investigate this issue, which was of primary importance to the petitioner, is a clear deficiency in his performance that resulted in actual and substantial prejudice to his client. *In re: the Personal Restraint of Brett*, 142 Wn.2d 868, 872, 16 P.3d 601 (2001) (citations omitted).

C. Immigration Status Impacts Nearly All Stages Of The Criminal Proceedings And Is Anything But "Collateral" In The Lives Of Noncitizen Defendants.

The mandatory deportation that awaits many non-citizens as a result of their guilty pleas, including the Petitioner in this case, is a harsh consequence of immigration status, but it is not the only one. Competent defense lawyers know that when it comes to non-citizen defendants, the

Assault in the third degree under either §(d) or (f) would not trigger deportation as either an aggravated felony crime of violence or a crime involving moral turpitude. *See Leocal v. Ashcroft*, 543 U.S. 1 (2004) (offenses with negligent mens rea cannot constitute aggravated felony crimes of violence under 8 U.S.C. 1101(a)(43)(F)); *Matter of Silva-Trevino*, 24 I&N Dec. 687 (A.G. 2008)(offenses with negligent mens rea cannot constitute CIMT).

¹⁴ *See Matter of Pickering*, 23 I&N Dec. 621 (BIA 2003) (vacatur of plea will only be given effect in immigration proceedings if established that it was due to legal defect in underlying proceeding); *Matter of Chavez-Martinez*, 24 I&N Dec. 272 (BIA 2007)(burden of proof is on noncitizen to establish basis for post conviction relief).

distinction between so-called “direct” and “collateral” consequences is both illusory and irrelevant. In reality, a defendant's immigration status has an impact on nearly every phase of the criminal proceedings.

1. Impact Of Immigration Status On The Criminal Process

Pre-Trial Release. A non-citizen often spends more time in pre-trial detention prior to trial than other defendants. In an increasing number of cases, immigration authorities issue a request known as an immigration “detainer” to criminal authorities to request notification prior to the release of the defendant. 8 C.F.R. § 287.7. Although such “detainers” are merely a notice of immigration authorities’ intention to potentially seek future custody of the defendant, they generally lead to unduly prolonged criminal custody.¹⁵ Regardless of the presence of an immigration detainer, many courts now consider a defendant's non-citizen status as a factor against pretrial release or a basis to increase the amount of bail. See Norton Tooby & Joseph Justin Rollin, *Criminal Defense of Immigrants* §§ 6.8-6.9 (4th ed. 2007) [hereinafter *Tooby & Rollin*]; see also *State v. Fajardo-Santos*, 973 A.2d 933 (N.J.2009) (presence of immigration detainer justified

substantially increased bail amount); *United States v. Motamedia*, 767 F.2d 1403, 1408 (9th Cir. 1985) (“factor of alienage ... may be taken into account”).

Plea Bargaining. Immigration status plays a key role in plea bargaining, where 95 percent of cases are resolved. *See Melendez-Diaz v. Massachusetts*, 129 S.Ct. 2527, 2540 (2009). Plea bargains that do not factor in immigration consequences can have serious outcomes for noncitizen defendants as, avoiding deportation is often the most important factor in negotiating and deciding whether to accept a plea or risk trial. Many accept plea agreements that enable them to remain in the country even if they have strong defenses to the charges. *See North Carolina v. Alford*, 400 U.S. 25, 33 (1970) (“reasons other than the fact that he is guilty may induce a defendant to so plead”) (internal quotation marks omitted). Often, that means accepting greater penal consequences in return - such as pleading to a harsher offense and/or agreeing to serve a longer period of incarceration. *See Tooby & Rollin* § 8.22. Prosecutors also regularly exercise discretion to permit a noncitizen defendant to plead

¹⁵ *See State v. Sanchez*, 853 N.E.2d 253 (Ohio 2006) (Immigration detainees are merely notice of intent to seek future custody); *see also* Gardner and Kohli, *The C.A.P. Effect: Racial Profiling in the ICE Criminal Alien Program*, Policy Report of the Warren Institute On Race, Ethnicity and Diversity, Sept. 2009, available at http://www.law.berkeley.edu/files/policybrief_irving_FINAL.pdf.

to an alternative offense to avoid triggering mandatory deportation. *See United States v Gonzalez*, 58 F.3d 459, 462 (9th Cir. 1995) (given prosecutor's duty "to do justice," dismissal of deportable offense in exchange for sentencing enhancement was "proper and appropriate"). Petitioner's case is the perfect illustration of the harsh consequences that can befall a noncitizen defendant when immigration consequences are not addressed in plea negotiations.¹⁶

Sentencing. Often, it will be the sentence imposed that will cause a conviction for a particular offense to trigger immigration consequences such as deportation. *See e.g.*, 8 U.S.C. 1101(a)(43)(G) and 8 U.S.C. 1227(a)(2)(A)(iii) (theft offenses trigger deportation as an aggravated felon where a sentence of one year or more is imposed). In light of this, Washington courts have specifically held that immigration consequences facing a noncitizen defendant are a necessary and proper factor that the court must consider at sentencing. *State v. Quintero-Morelos*, 137 P.3d 114 (2006) (affirming trial court's sentence modification once informed that it was determinative of whether defendant would be deported as an aggravated felon); *State v. Osman*, 126 Wn.App. 575, 108 P.3d 1287

¹⁶ See §II, *supra*, for a more detailed analysis of Petitioner's case. *See also* Petitioner's Petition for Review and Supplemental Briefs.

(2005) (noncitizen defendant denied SSOSA due to likelihood of deportation).

These decisions sit within the well-established framework under Washington law that sentencing judges must be in “possession of the fullest information possible concerning the defendant's life and characteristics” when exercising their broad discretion to fashion a sentence based on reliable information. *State v. Balkin*, 48 Wn.App. 1, 737 P.2d 1035 (1987) (in determining the proper sentence, a trial court is vested with broad discretion and “can make whatever investigation [it] deems necessary or desirable”); *State v. Russell*, 31 Wn.App. 646, 44 P.2d 704 (1982) (sentencing judge must possess the fullest information possible concerning the defendant’s past life and personal characteristics.). Thus, competent defense attorneys cannot effectively determine the appropriate sentence to request for a noncitizen client without investigation into immigration consequences.

Conditions of Confinement. A non-citizen convicted of a deportable offense will likely spend more time in prison under more restrictive conditions than other defendants. Prisoners subject to immigration detainers are treated as higher security risks, and are prohibited from serving their sentences in minimum security facilities or

community treatment centers. *Tooby & Rollin* § 6.19. Non-citizens typically also find themselves ineligible for alternatives to detention (e.g. electronic home monitoring), halfway houses, early release programs, outpatient drug rehabilitation programs, work release, literacy programs, or probation. *Id.* Upon completion of their sentence (and sometimes even before completion) many non-citizens convicted of deportable crimes will go straight to immigration detention, awaiting deportation proceedings under often harsh conditions.¹⁷

2. Recent Immigration Law Changes Have Inextricably Linked It To Criminal Law And Process

In the last twenty years, Congress dramatically expanded the types of convictions that trigger deportation, often automatically. Prior to 1988, deportation usually required either a conviction for a serious offense or recidivist behavior. Beginning with the Anti-drug Abuse Act of 1988, Pub. L. 100-690, Congress created a new category of deportable noncitizens for people convicted of “aggravated felonies.”

Initially, the aggravated felony category included only three serious felony offenses: murder, drug trafficking, and firearms and explosives trafficking. Between 1988 and 1996, Congress amended the immigration

¹⁷ See *Recommendations for Reforming Our Immigration Detention System and Promoting Access to Counsel in Immigration Proceedings*, The Constitution Project

statute six times to expand the aggravated felony definition such that it now includes over twenty separate statutory provisions that incorporate a great number of state and federal offenses, including misdemeanors.¹⁸

These laws combined to render a sea change in the immigration consequences for convicted noncitizens. In addition to exponentially expanding the types of crimes that can now be classified as immigration-related aggravated felonies, these new laws amended other statutory provisions so that our current immigration laws now include over 30 crime-related deportation provisions that encompass hundreds of state and federal offenses. *See e.g.*, 8 U.S.C. 1101(a)(43); 8 U.S.C. 1182(a)(2); 8 U.S.C. 1227(a)(2). The increased likelihood that many convictions now mandate removal is known to the public generally and defense practitioners specifically, who are ethically obligated to stay abreast of the law. *See State v. Kylo*, 166 Wn.2d 856, 868, 215 P.3d 117 (2009).¹⁹

(Sept. 2009), available at: <http://www.constitutionproject.org/manage/file/359.pdf>.

¹⁸ *See* Immigration Act of 1990, Pub.L. No. 101-649, 104 Stat. 4978; The Miscellaneous and Technical Immigration and Naturalization Amendments of 1991, Pub.L. 102-232, 105 Stat. 1733; Violent Crime Control and Law Enforcement Act of 1994, Pub.L. 103-322, 108 Stat. 2026, Title XIII; Immigration and Nationality Technical Corrections Act of 1994, Pub.L. 103-416, 103 Stat. 416, §222; the Antiterrorism and Effective Death Penalty Act, Pub.L. No. 104-132, title IV, 110 Stat. 1214; the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IRRIRA), Pub. L. No. 104-208, div. C, 110 Stat. 3009.

¹⁹ For extensive archives of immigration issues in the media, *see also* Bender's Immigration Bulletin at <http://www.bibdaily.com>.

3. Immigration Consequences Must Now Be Dealt with by the Criminal Trial Counsel In Order To Have an Effect on Future Immigration Proceedings

Although federal law has long excluded noncitizens with criminal convictions from lawfully entering the United States, it also has had a long tradition of affording those facing expulsion, particularly longtime lawful permanent residents, with the opportunity to seek discretionary relief from removal. However, in addition to expanding the crime-related grounds of deportation and the types of crimes that would trigger them, these laws have also severely eroded both the mechanisms that were once available to exercise discretion and grant relief from deportation to deserving noncitizens and their families.²⁰

Notable aspects of these erosions include the elimination of the power given criminal courts to issue a “Judicial Recommendation Against Deportation” that prohibited the state from using a noncitizen defendant’s criminal conviction as a basis for deportation. The laws eliminated deportation waivers, which were mechanisms in which the government agreed not to seek deportation under §212(c) of the Immigration and Nationality Act. The laws also took away federal court jurisdiction over

²⁰ See also the Real ID Act of 2005, Pub.L. 109-13, div. B, 119 Stat. 231.

immigration matters²¹ and instituted mandatory detention during deportation proceedings.²²

Consequently, under the increasingly harsh rules, deportation is the inevitable consequence of many criminal convictions. Without careful attention from defense counsel, even longtime lawful permanent residents with significant family and community ties face automatic and permanent banishment for minor offenses. *See Gonzalez-Tamariz*, 310 F.3d at 1168 (9th Cir. 2002) (Nevada simple battery conviction with 365 day suspended sentence constitutes an aggravated felony under immigration law).²³

²¹ Federal circuit courts have held that they retain jurisdiction to determine whether the crime is a deportable offense that triggers deportation and, thus, eliminates their jurisdiction. *Zavaleta-Gallegos v. INS*, 261 F.3d 951 (9th Cir. 2001).

²² *See e.g., Estrada-Espinoza v. Mukasey*, 546 F.3d 1147 (9th Cir. 2008) (Estrada prevailed after spending over four years in immigration detention contesting his removal for his California conviction).

²³ Beginning with *United States v. Graham*, 169 F.3d 787 (3rd Cir. 1999), a minority of federal circuit courts have held that the classification of an offense as a misdemeanor under state law does not automatically exclude it from the category of "aggravated felony" where a one-year suspended sentence is imposed; *see also* Joseph Justin Rollin, *Humpty Dumpty Logic: Arguing Against the "Aggravated Misdemeanor" in Immigration Law*, 6 *Bender's Immig. Bull.* 443 (May 15, 2001).

D. CONCLUSION.

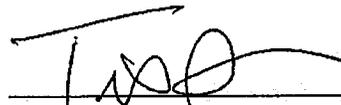
Attorneys in Washington have readily accessible resources to competently incorporate immigration issues into the scope of their representation of noncitizens. Effective representation in Washington state requires attorneys to investigate and advise their clients on the immigration consequences of their cases.

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Respectfully Submitted,


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