

CASE STUDY

Your client, Mr. X, was arrested last month after being stopped in an alleged stolen car in which the police state they found a firearm and 20 grams of marihuana. He is charged with felony theft, possession of a concealed firearm without a permit, and misdemeanor possession of marihuana.

Mr. X entered the United States on January 1, 1990 as a lawful permanent resident (LPR).

Mr. X has one prior arrest from last year, which resulted in a marihuana possession conviction only.

Mr. X tells you avoiding deportation is very important to him.

If you could get it, would a plea to the misdemeanor possession of marihuana with little or no jail time be the best deal for this client?

Case Study Analysis:

Client is LPR so you want to focus on avoiding deportability or, at least, mandatory deportability – What is the best plea?

- 1) Misdemeanor Possession of Marihuana
- 2) Possession of a concealed Weapon (firearm) without a permit
- 3) Felony theft

Now for this example only, suppose that Mr. X has no priors.

Client is LPR so you want to focus on avoiding deportability or, at least, mandatory deportability – What is the best plea?

- 1) Misdemeanor Possession of Marihuana
- 2) Possession of a concealed Weapon (firearm) without a permit
- 3) Felony theft.

Now assume your client is NOT a lawfully admitted to the U.S., but wants to legalize his status based on his marriage to a U.S. citizen. (So you want to focus on inadmissibility.) What is the best plea?

- 1) Misdemeanor Possession of Marihuana
- 2) Possession of a concealed Weapon (firearm) without a permit
- 3) Felony theft