

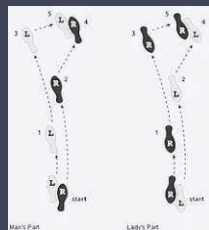
# Crimmigration



Amelia Ruiz Fischer and Jordan Pollock

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## Today's Discussion: Overview



- Working with Criminal Defense Counsel
- Overview of the Categorical Approach
- Practicing the Categorical Approach
- Case Law Updates

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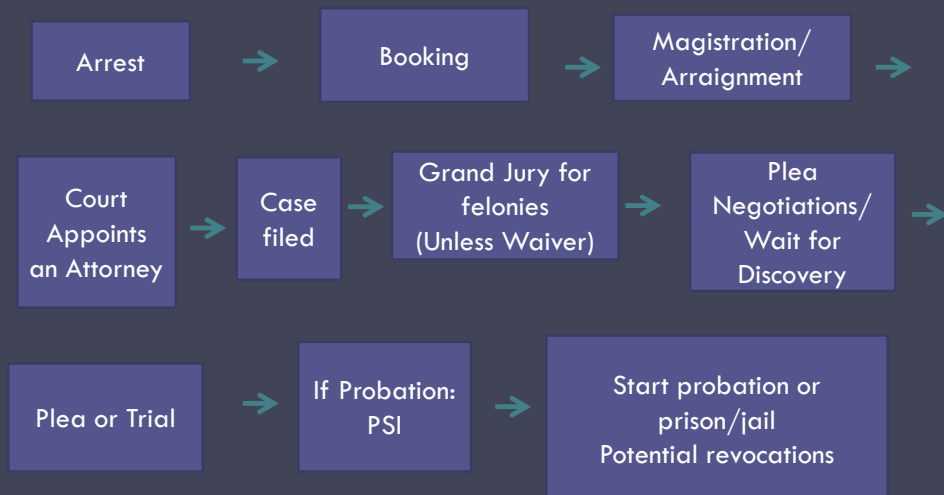
# How and when to work with a criminal defense attorney?

- As soon as possible!
  - ▣ Ask about pre-trial diversion programs (where pleas are *not* required) early as there are enrollment deadlines
  - ▣ Reach out to Padilla experts if you need help identifying possible alternate/safe pleas.
- Set your expectations
  - ▣ Reduction or dismissal often not available
  - ▣ Non-detained criminal cases move slowly
  - ▣ Going to trial can be a very big risk, as Texas has broad sentencing range



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## How a case moves in criminal court



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# Reminder of Defense Counsel Duties



- *Padilla* requires defense counsel to give detailed and specific advice
- Not a general admonition
- Not just referring the client to immigration counsel
  - Defense counsel needs to talk to immigration counsel

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# Important Texas Criminal Court Terminology

- Deferred Adjudication
  - Is a conviction but the period on deferred is not a sentence
- Straight Probation
  - Is a conviction and the suspended sentence is a sentence (2/5)
- Pre-Trial Diversion
  - Must look at the diversion contract to see if plea or admission
- SAFPF
  - “rehabilitation” that counts as a sentence



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[Crimmigration \(2022\)](#)

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