VEHICLES

1473.7 Defendant has evidence of actual innocence and/or was unaware of immigration consequences

Requirements:

- D pleaded guilty or no lo contendere.
- D no longer in criminal custody.
- Failed to meaningfully understand the immigration consequences of a conviction AND conviction bars immigration relief OR
- Presents newly discovered evidence of actual innocence.

1016.5 Court failed to give mandatory statutory advisement about potential immigration consequences

Requirement:

• No record that court advised about immigration consequences of a conviction.

1018 Motion to withdraw a guilty plea

Requirements:

- Filed within 6 months of probation.
- Show "good cause" plea should be withdrawn, including failure to understand immigration consequences.

Petition for Habeas Corpus, conviction is legally invalid

Requirements:

- Must be in criminal custody (actual or constructive).
- Any ground of legal invalidity.

IMMIGRATION IMPACT

- If motion granted on a ground of legal invalidity, it completely erases the conviction for all immigration purposes
 - D must still answer to charges unless they are dismissed.

VACATURS FOR CAUSE

Requirement:

1000.

IMPACT

IMMIGRATION

Will erase the conviction for

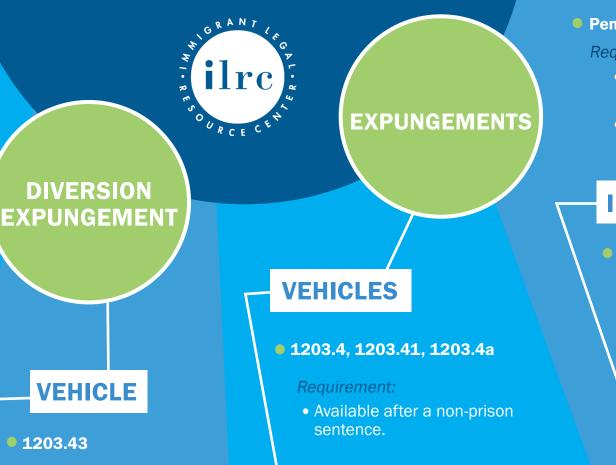
all immigration purposes.

 Received a grant of pre-trial diversion (DEJ), after 1997, and

completed the diversion

program pursuant to PC

CALIFORNIA **POST-CONVICTION RELIEF VEHICLES**



IMMIGRATION IMPACT

- Eliminate ground of removability for firsttime drug possession convictions entered on or before July 14, 2011. Only works in the Ninth Circuit and if there's no probation violation.
 - An expunged conviction may not bar **Deferred Action for Childhood Arrivals.**

FELONY TO MISDEMEANOR REDUCTIONS

- Penal Code 17(b)
- **Requirements:**
 - Conviction of a "wobbler"—i.e., a conviction that can be charged as a felony or a misdemeanor-as a felony.
 - Sentence to a term consisting of jail/probation (not prison/parole).

IMMIGRATION IMPACT

- davs

VEHICLES

Prop 47

Requirements:

- No super-strikes.
- Drug possession offense.
- Property crimes where amount is less than \$950.

When reduced to a misdemeanor, under PC 18.5, that new misdemeanor will carry a maximum sentence of 364

Reduction to a misdemeanor will help:

- Lawful permanent residents avoid the 1 crime involving moral turpitude ground of deportability.
 - Lawful permanent residents eliminate certain aggravated felonies from their records.
 - May help undocumented people establish eligibility for a waiver from removabililty.

PROP 64

- *Requirement:*
 - Available to reduce some marijuana offenses to misdemeanors or infractions, and vacate others.
 - Immigration Impact • Untested.