

# Chapter 1

## Obligations of Defense Counsel

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Neil is a 24-year old lawful permanent resident of the United States. Born in Pakistan, Neil came to the U.S. when he was 6 years old, but he has not yet become a U.S. citizen. His mother, father, two sisters, brother, and several cousins all live in the U.S. Neil is a graduate of community college and employed as an auto mechanic. After being taunted with racial slurs and threatened by some former customers, Neil purchases a gun for his safety. One night as he is driving home from work, Neil is stopped by a police officer for reckless driving—for passing a car in a no pass zone with the vehicle lights cut off. The officer searches Neil’s car and finds the gun Neil recently purchased. Neil is charged with reckless driving and carrying a concealed gun. The prosecutor will dismiss the charge of reckless driving if Neil pleads guilty to the gun charge. Neil’s attorney tells him that a reckless driving conviction could result in a suspension of his

driver's license, which he needs to be able to drive to and from work, but not about the immigration consequences of the concealed weapon charge. Neil takes the deal. A few years later, Neil decides to become a citizen. After filing his citizenship application, Neil is notified by immigration officials that deportation proceedings are being initiated against him for a conviction of a firearm offense. His criminal lawyer was unaware that a misdemeanor firearm offense could lead to Neil's deportation and did not discuss these consequences with him. Had Neil negotiated a plea to the reckless driving offense rather than the carrying a concealed gun charge, or had he gone to trial and been acquitted, he would not be facing deportation today. He also might have succeeded in his application to become a U.S. citizen.