

# **Post-Conviction Case Evaluation Checklist**

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## **1. THE CURRENT STATUS OF THE CLIENT**

- a. The Client Is Clean and Sober.
- b. The Client Has Strong Equities.
- c. The Client Has Served the Time and Is Now Out of Custody.
- d. The Client Has No Outstanding or Potential Arrest Warrants.
- e. The Client Has No Current Aggravated Re-entry Exposure.
- f. The Client Is Lawfully Present in the United States.

## **2. THE CRIMINAL SITUATION:**

- a. A Small Criminal Case Has Large Immigration Effects.
- b. The Client Has One or Few Damaging Convictions. If More Than One, They Flowed From One Guilty Plea Proceeding.
- c. The Original Charges Were Few and Diverse.
- d. The Evidence of Guilt Is Weak, or the Client Has A Plausible Claim of (Partial) Innocence.
- e. The Client Was Charged Jointly With One or More Codefendants.
- f. A Relatively Minor Change in Conviction or Sentence Will Solve the Immigration Problem.
- g. There is Small Risk The Client Will Receive Additional Time in Custody if the Case is Reopened and the Client is Reconvicted.
- h. The Jurisdiction Where the Conviction Occurred is Relatively Sympathetic.
- i. The Initial Defense Investigation Was Incomplete.
- j. There Were Technical Problems With the Prosecution Case.

## **3. THE TIMING OF THE CASE**

- a. Post-Conviction Deadlines Have Not Passed.
- b. The Client has Six Months or More Before Irrevocable Immigration Damage Occurs.
- c. There is Still Time to Reopen the Immigration Case if Criminal Convictions are Eliminated.
- d. The Records Necessary To Establish Error in the Criminal Case Still Exist