STATE OF NEW YORK
_____ COUNTY COURT

COUNTY OF _____

_____

THE PEOPLE OF THE STATE OF NEW YORK

       -against-

[DEFENDANT],

         Defendant.

Attorney Affirmation of [ORIGINAL ATTORNEY]

Ind. No.
Index No:

_____

I, [ORIGINAL ATTORNEY], Esq., an attorney admitted to the practice of law before the courts of the State of New York, and not a party to the above-entitled cause, affirm the following to be true under the penalties of perjury pursuant to CPLR 2106:

1. I represented Mr. [DEFENDANT] throughout the above-captioned case.

2. Having reviewed my records, I can confirm that:

    a. Prior to Mr. [DEFENDANT] pleading guilty to Assault in the 2nd Degree in violation of Section 120.05(1), of the Penal Law, a Class D Felony I advised him that there "may" be immigration consequences and / or that there were likely to be immigration consequences. I did not confirm specifically that he would be subject to mandatory deportation or that the conviction would constitute an aggravated felony in immigration law.

    b. During the sentencing phase, I did not advise Mr. [DEFENDANT] as to the difference in immigration consequences between 365 day sentence and a 364 days sentence.

3. Based on the affirmation in support of this motion by Daniel Jackson, it is my opinion that if I had had the benefit of expert immigration advice, a deal could have been made which would have significantly reduced or even avoided immigration consequences in this case.

Dated: 03/18/19

_____
[ORIGINAL ATTORNEY], Esq.