



New York University
A private university in the public service

11-CR-011

School of Law
Faculty of Law

245 Sullivan Street, Room 630
New York, NY 10012-1301
Telephone: (212) 998-6467
Facsimile: (212) 995-4031
E-mail: alina.das@nyu.edu

Alina Das
Assistant Professor of Clinical Law

February 15, 2012

Peter G. McCabe, Secretary
Committee on Rules of Practice and Procedure
Judicial Conference of the United States
Washington, D.C. 20544

Dear Mr. McCabe:

I write to offer comments on the proposed change to Rule 11 of the Federal Rules of Criminal Procedure, regarding advice concerning immigration consequences of a guilty plea.

As co-director of the Immigrant Rights Clinic at New York University School of Law, I support the Committee's efforts to change Rule 11 to reflect the ruling of *Padilla v. Kentucky*, 130 S. Ct. 1473 (2010). I would further suggest that the notes to the amended rule refer to or otherwise draw from two sources of guidance on this issue:

JUDICIAL OBLIGATIONS AFTER PADILLA V. KENTUCKY: THE ROLE OF JUDGES IN UPHOLDING DEFENDANTS' RIGHTS TO ADVICE ABOUT THE IMMIGRATION CONSEQUENCES OF CRIMINAL DISPOSITIONS (October 2011) *available at* <http://immigrantdefenseproject.org/wp-content/uploads/2011/11/postpadillaFINALNov2011.pdf>

ENSURING COMPLIANCE WITH PADILLA V. KENTUCKY WITHOUT COMPROMISING JUDICIAL OBLIGATIONS: WHY JUDGES SHOULD NOT ASK CRIMINAL DEFENDANTS ABOUT THEIR CITIZENSHIP/IMMIGRATION STATUS (January 2011), *available at* http://immigrantdefenseproject.org/wp-content/uploads/2011/11/IDP_Judicial_Inquiry_Into_Status_Jan20111.pdf

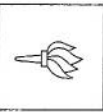
My clinic co-authored these reports with the Immigrant Defense Project, an organization with some of the leading national experts on the intersection of immigration and criminal law and practice. These reports are the result of over a year of painstaking legal research, careful deliberation, and numerous interviews with key criminal justice stakeholders about how courts may facilitate compliance with *Padilla*.

I hope that you will find these reports helpful as you finalize changes to Rule 11.
Please do not hesitate to contact me if I may offer any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alina Das', written in a cursive style.

Alina Das
Assistant Professor of Clinical Law



New York University

A private university in the public service

School of Law
Faculty of Law

245 Sullivan Street, 5th Floor
New York, NY 10012-1301

REC'D FEB 29 2012

02-23

US POSTAGE

\$00.40



ZIP CODE
04112-0001

Peter G. McCabe, Secretary
Committee on Rules of Practice &
Procedure
Judicial Conference of the United States
Washington, D.C.
20544

AAKRPMB 20544

