



CRIMINAL JUSTICE CLINIC

Highlighted Project: Protecting DACA Status

One client of the clinic was a college student with DACA status (Deferred Action for Childhood Arrivals) charged with misdemeanor DUI. The student had never been in trouble before. He searched the internet for an attorney and paid one several thousand dollars to advise and represent him. When the student asked his attorney if pleading guilty to the DUI would affect his DACA status, the attorney wrongly told him that it would not.

After filing for DACA renewal a year later, the student learned he would lose his DACA status and faced deportation because of the DUI conviction.

The student was referred to the Criminal Justice Clinic, where clinic students determined the best course of legal action was to file a motion to withdraw his guilty plea and see if the prosecution would offer a plea to a misdemeanor that would not automatically revoke their client's DACA status.

The students researched, wrote and filed a motion to withdraw the plea, and created a packet of letters, photos, and other evidence that supported the exercise of prosecutorial discretion. The prosecutor ultimately agreed to let our client withdraw his plea, and to plead instead to the misdemeanor of reckless driving. Our client now has the opportunity to continue his college education and remain in the U.S. with his family.

Criminal Justice Clinic

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The Criminal Justice Clinic represents low-income individuals in state criminal court and helps non-citizens seek post-conviction relief when facing immigration consequences of past criminal offenses. Helping non-citizens find relief from past criminal convictions and ensure they can stay in the United States with their families is a priority for the Criminal Justice Clinic. The clinic also collaborates with community organizations to work towards broader reform of the criminal justice system.