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#####  MEMBER

 NJ, NY & FL BARS

May 12, 2011

 **Re: State of New Jersey vs. Joe Jones - N.J.S.A. 2C:35-10a**

Dear Mr. Barrister:

 Thank you for referring the above defendant with respect to the immigration consequences of his pending New Jersey criminal violations. I appreciate the time that you and Mr. Jones have spent with me on the telephone and in my office. I have reviewed the defendant's criminal history and the pending charges. There is no issue with respect to the Simple assault charge and the improper conduct. Neither of these charges is a crime of moral turpitude. The factual basis should only reflect Mr. Jones's negligent behavior. **However, there are grave immigration consequences for Mr. Jones should he pled guilty or be found guilty of possession of marijuana and cocaine.**

 The immigration laws concerning any drug offense are quite clear. Specifically, Section 237(a)(2)(B)(I) of the Immigration and Nationality Act, states that at any time after admission (i.e., his legal entry into the United States), if one is convicted of a violation of any law relating to a controlled substance, other than a **single** offense involving possession for one’s own use of 30 grams or less of **marijuana**, you will be put in removal (deportation) proceedings.

 Mr. Joe Jones was previously convicted of NJSA 2C:35-10a(4) on March 15, 1995 in Ridgefield Municipal Court. Should Mr. Jones pled guilty to a second drug related offense for marijuana or a single drug related offense for cocaine, there is no issue as to Mr. Jones's status...he will be a lawful permanent resident (green card holder) subject to immediate removal (deportation).

 Please do not hesitate to contact me with any questions or concerns that you may have.

Very truly yours,

Ronald P. Mondello, Esq.

RPM:cab

cc: Joe Jones