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Justices Ease Deportation Rule in Minor Drug Cases

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WASHINGTON — Immigrants who are legally in the United States need not be automatically deported for minor drug offenses, the Supreme Court [ruled](#) Monday in a unanimous decision.

Lower courts had said that Jose Angel Carachuri-Rosendo, a permanent resident of the United States who had lived here since 1983, when he was 5, was subject to mandatory deportation for a second drug offense, this one involving possession of single tablet of a prescription drug.

The question in the case was whether that second offense amounted to an “aggravated felony.” If it did, the government had no choice but to deport him under the [immigration](#) laws. If it did not, the attorney general had the discretion to show leniency.

In 2004, Mr. Carachuri-Rosendo was sentenced by a Texas state court judge to 20 days in jail for possession of less than two ounces of [marijuana](#). The next year, he was sentenced to 10 days in jail for having a single tablet of Xanax, an anti-anxiety drug, without a prescription.

Those were both misdemeanors under state law. But federal authorities argued that a second drug offense counted as an aggravated felony under federal law, making Mr. Carachuri-Rosendo ineligible for discretionary relief from deportation.

Justice [John Paul Stevens](#), writing for seven justices, said the interactions of the various state and federal laws in the case required analysis of a “maze of statutory cross-references” and a 2006 decision, [Lopez v. Gonzales](#), that rooted the definition of “aggravated felony” in federal law even when state offenses were involved.

At bottom, Justice Stevens wrote, “a 10-day sentence for the unauthorized possession of a trivial amount of a prescription drug” is at odds with the ordinary meaning of “aggravated felony,” even if federal prosecutors could, in theory, have sought a two-year sentence in federal court for the second drug offense.

“Carachuri-Rosendo, and others in his position, may now seek cancellation of removal and thereby avoid the harsh consequence of mandatory removal,” Justice Stevens wrote. But “any relief he may obtain depends upon the discretion of the attorney general.”

Justices [Antonin Scalia](#) and [Clarence Thomas](#), in separate concurrences, voted with the majority but declined to adopt its reasoning in the case, *Carachuri-Rosendo v. Holder*, No. 09-60.

Capital Punishment

A death-row inmate in Florida was [given a second chance](#) to argue that an otherwise strict one-year filing deadline should not apply to him, in light of his lawyer's inaccessibility and incompetence. The vote was 7 to 2.

The case concerned an unusually diligent and savvy inmate, Albert Holland, and an uncommunicative lawyer, Bradley Collins, who was appointed to handle Mr. Holland's [habeas corpus](#) challenges to his murder conviction and death sentence.

Mr. Holland complained to the Florida Supreme Court in June 2004 of "a complete breakdown in communications," saying he had not seen or spoken to his lawyer in 14 months and felt abandoned. He asked for a new lawyer.

Florida prosecutors responded that Mr. Holland was not allowed to communicate with the court directly because he was represented by counsel, an argument accepted by the court. In a concurrence on Monday, Justice [Samuel A. Alito Jr.](#) called that ruling perverse.

Over the years, Mr. Holland peppered his lawyer with letters reminding him of a tight filing deadline in federal court that would follow a decision by the State Supreme Court. He wrote to his lawyer to explain the relevant procedures. ("Holland was right about the law," Justice [Stephen G. Breyer](#) wrote in Monday's majority decision.)

Nonetheless, Mr. Collins neither informed his client when the state court ruled against him nor filed the required papers in time to seek review in federal court.

When Mr. Holland learned independently of the state court decision in the prison library, he immediately filed his own paperwork, but it was too late.

In a rare response to a letter from Mr. Holland, Mr. Collins said that the relevant deadlines had passed by the time he was appointed to the case. ("Collins was wrong about the law," Justice Breyer wrote.)

The question in the case was whether Mr. Collins's conduct was sufficient to suspend a deadline in a 1996 law limiting death penalty litigation. The court did not decide that question, but it said the appeals court had used too narrow a standard in saying that a lawyer's negligence was never enough.

Justice Breyer's opinion was joined by Chief Justice [John G. Roberts Jr.](#) and Justices Stevens, [Anthony M. Kennedy](#), [Ruth Bader Ginsburg](#) and [Sonia Sotomayor](#).

Justice Alito largely agreed but said the majority had not laid down a clear standard of its own. He suggested that the salient facts in the case, *Holland v. Florida*, No. 09-5327, were Mr. Collins's apparent abandonment of his client and prosecutors' insistence that only Mr. Collins could speak for Mr. Holland.

Justice Scalia, joined by Justice Thomas, dissented. He said the court was powerless under the Constitution to rewrite the law.

“The court’s impulse to intervene when a litigant’s lawyer has made mistakes is understandable; the temptation to tinker with the technical rules to achieve what appears a just result is often strong, especially when the client faces a capital sentence,” Justice Scalia said. But he added that “unelected judges” must resist such impulses.

California Prisons

The court agreed to hear arguments over whether a special panel of federal judges in California was authorized to order the release of 40,000 inmates from state prisons to relieve overcrowding. The case is *Schwarzenegger v. Plata*, No. 09-1233.

Rendition

The court declined to hear an appeal from [Maher Arar](#), a Canadian who says American officials sent him to Syria to be tortured. The federal appeals court in New York [ruled](#) last year that Mr. Arar could not sue for damages because Congress had not authorized such suits.

The Supreme Court gave no reasons for its decision, and there were no noted dissents. Justice Sotomayor, who had participated in the appeals court argument, disqualified herself from the case, *Arar v. Ashcroft*, No. 09-923.