



June 21, 2018

Governor Edmund G. Brown, Jr.
Governor's Office
State Capitol
Attention: Legal Affairs
Sacramento, California 95814

RE: Jose Padilla's Pardon Application

Dear Governor Brown:

The National Association for Public Defense is a national organization of public defense professionals. We have over 17,000 members, including 120 organizational members. Our mission is to provide a voice to advocate for those who cannot afford a lawyer and to provide support, training, and resources to federal, state, county and local public defense and assigned counsel providers. We are particularly interested in ensuring that public defense organizations have systems that operate in such a way that will maximize the provision of high quality representation.

We are writing to express our support for Mr. Jose Padilla in his pardon application. Mr. Padilla is the subject of the United States Supreme Court Case *Padilla v. Kentucky*, where the Court established the obligation of counsel to advise non-citizen clients of possible immigration consequences if convicted. A direct result of Mr. Padilla's case was an increased awareness of immigration law and how immigration and criminal law interact. Public defenders also reacted to Mr. Padilla's case by increasing training about the impact of a criminal case on immigration status, allowing their lawyers to give sound and accurate advice to their clients. Without Mr. Padilla, a high number of clients would have been harmed by unforeseen immigration consequences after conviction.

Mr. Padilla not only encouraged others to learn about immigration law, but he also helped to educate the public defense community. In 2015, following the dismissal of his charges in Kentucky, Mr. Padilla spoke to members of NAPD through an educational webinar. He told his story of conviction, incarceration, and subsequent fight to remain in the United States of America. Mr. Padilla allows public defenders to put a face to the harm that can be done if we do not properly advise our clients about immigration consequences. Through that webinar, Mr. Padilla helped every attorney who was on the webinar, every attorney who has viewed the webinar since its recording, and all clients represented by those lawyers.

Non-violent property crimes from more than 20 years ago are not enough to outweigh the good that Mr. Padilla has done for our nation. In 1996 and 1997 Mr. Padilla was convicted of receiving stolen property. He was sentenced to 16 months for each of those offenses. The commission of two property crimes is serious and should not be diminished, but the punishment should also fit the crime. The punishment should also take into account the person, and all that they have done for their state and country. Mr. Padilla voluntarily joined the military during the Vietnam War and fought for his country in active combat. He was awarded two bronze stars for his bravery in battle. Removal from the country he has served for 50 years is not a just or fair punishment.

The removal of Mr. Padilla from the United States of America would also cause harm to the public defense community, and beyond. Mr. Padilla is a symbol of hope and proof that our criminal justice system can protect those without power. When fighting his case all the way to the Supreme Court, Mr. Padilla showed public defenders that hard work, dedication, and a desire to change the system can actually bring positive change. To remove Mr. Padilla from our nation would have an impact throughout the country.

The NAPD knows Mr. Padilla to be a kind and selfless man who volunteered his time to educate public defenders that he had never met. He did this without compensation, but simply so he could give back to the community that helped him. Mr. Padilla's character is also shown through his actions outside the world of public defense. During Vietnam, Mr. Padilla volunteered to join the army and served his country in active combat. At home today, Mr. Padilla still cares for three of his adult children who require special assistance. He is also the grandfather of six grandchildren. He also saved a woman from a burning home, saved an elderly man by giving him CPR, and saved a couple from car accident before the ambulances arrived. Mr. Padilla has shown time and time again his value to the United States of America.

The NAPD is strongly urges you to pardon Mr. Padilla and allow him to stay in the country that he has served in both the military and through litigation that improved the quality of public defense nationwide.



Paul DeWolfe
Chair, NAPD Steering Committee



Ernie Lewis
Executive Director, NAPD

ON BEHALF OF THE NAPD STEERING COMMITTEE

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