

For Immediate Release: Giuliani Plea Agreement Challenged in Federal Court

New York City, New York – July 14, 2011 - Attorney Raymond Lahoud, a Pennsylvania, New York and New Jersey deportation defense and appellate attorney for the leading immigration and deportation law firm, Baurkot & Baurkot, filed, today, a Petition in the United States District Court for the Southern District of New York that urges the Court to vacate a guilty plea that resulted from an agreement between then-United States Attorney Rudy Giuliani and Adnan Asan, a Macedonian national that was deported from the United States in 2007.

The original plea agreement required Asan, who is currently living in hiding at an undisclosed location in Eastern Europe, to fully cooperate with federal authorities in the dismantling of one of New York City's most dangerous Eastern European drug cartels. Asan's alleged involvement in the group was minimal, but he agreed to cooperate in exchange for guaranteed protection by the American government, lesser charges, lenient sentencing, entry into the witness protection program, and more importantly, an assurance that he would not face deportation to his native country.

"Deportation was a critical issue to my client," said Lahoud, "he asked his defense attorney as well as federal prosecutors as to whether or not he could face deportation because of the charge he pled guilty to, and all of those involved promised him that his guilty plea would have absolutely no effect on his immigration status, when, in fact, the plea that he took led directly to his deportation. Mr. Asan was clearly used by officials and then thrown by the waste side."

Deportation commenced against Asan were commenced when his cooperation ended in the mid 1980's. His assistance led to the conviction of dozens of individuals, many of whom were known murderers and trafficked substantial amounts of cocaine and heroin into the United States.

"Unfortunately, for Mr. Asan, the people that he brought down—those the government promised to protect him from—were later deported to the very same place that the our government sent Mr. Asan, which was the precise reason why the issue of deportation was critical to him and why he asked his defense counsel numerous times about whether or not he would be deported," said Lahoud, "Mr. Asan was given incorrect information by his defense attorney. Had he known that he would be deported, Mr. Asan would not have cooperated or pled guilty, because he knew that cooperation followed by deportation was, for lack of a better word, a sentence of death, given the powerful ties of those he assisted in convicting."

Asan's petition challenges his guilty plea and argues that it must be vacated because he was provided ineffective assistance of counsel. The petition is based on the March of 2010 Supreme Court decision, *Padilla v. Kentucky*, in which the Court held that a defense attorney's misadvice to a client about the deportation consequences of a guilty plea amounts to constitutionally deficient representation.

"We are confident that we will prevail and Mr. Asan will be able to return to the United States, out of harms way, and either take his case to trial or come to some type of an agreement that is well within the terms of the original discussions with the government and the promises made by his defense attorney at that time with respect to deportation," said Lahoud.

Baurkot & Baurkot (www.nationalimmigrationlawyers.com) is a leading immigration law and deportation defense firm with offices in Allentown, Bethlehem and Easton, Pennsylvania, New Jersey and New York. The Firm handles all types of immigration and deportation cases across the United States.

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