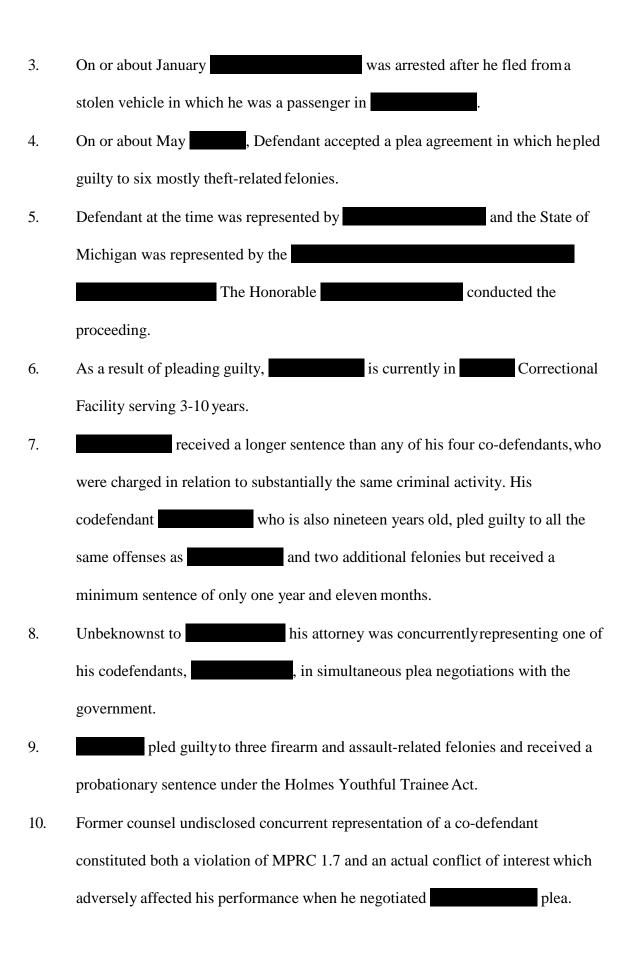
STATE OF MICHIGAN IN THE COURT FOR COUNTY				
	COCKITOR			
State of Michigan,				
Plaintiff,	Case No.			
Vs.	HON.:			
Defendant.				
	Laurence H. Margolis (Pendangolis Law P.C. Attorney for Defendant	59635)		
	214 S. Main St. Ste. 202			
	Ann Arbor, MI. 48104			
	(734) 994-9590			
MOTION TO WITHDRAW PLEA AND VACATE CONVICTION PURSUANT TO MCR 6.310(C)				
NOW COMES, the Defendant, by and through his undersigned				
counsel, and hereby moves to withdraw his plea, within 6 months sentence pursuant to MCL				
6.310(C) ¹ , hereby based, in part, on the following:				
1. The D	The Defendant is a 19-year-old first time offender. He is originally from			
but has lived in the United States since 2004, coming at the age of 7.				
2.	2. gained Permanent Resident status when his mother married			
an Am	nerican citizen from Michigan.			

¹ MCR 6.310(C) states that a "defendant may file a motion to withdraw the plea within 6 months after sentence..... If the trial court determines that there was an error in the plea proceeding that would entitle the defendant to have the plea set aside, the court must give the advice or make the inquiries necessary to rectify the error and then give the defendant the opportunity to elect to allow the plea and sentence to stand or to withdraw the plea."



- 11. As a result of his plea, is facing deportation to 12. is not married and has no U.S. citizen children, he is not Since eligible to apply for Cancellation of Removal in the Immigration court proceeding and, despite living in the US for 13 of his 19 years, he has no reasonable defense to his deportation. 13. was not aware that his plea and conviction would have the **specific** consequence of having his status revoked and leaving him with no defense to a federal deportation case. did not advise his client that pleading guilty to two or more Crimes 14. Involving Moral Turpitude (CIMTs) would subject him to automatic loss of his Permanent Resident status and guaranteed deportation to Thailand. 15. been advised of, and actually understood, the guaranteed Had consequences to his plea, he would have insisted his attorney seek an alternative plea, or, if necessary, take the matter to trial. was not fully advised of the direct and immediate consequences of this 16. Since plea, his plea was unknowing and unintelligent, and therefore involuntary under the Fifth
 - 1473 (2010) and *Lafler v. Cooper*, 132 S.Ct. 1376 (2012).
 17. brings this Motion to Withdraw his Plea alleging the following legal and factual issues:

and Sixth Amendments of the United States Constitution, Padilla v. Kentucky, 130 U.S.

- A. PLEA WAS NOT KNOWINGLY, VOLUNTARILY OR INTELLIGENTLY ENTERED.
- B. COUNSEL'S ASSISTANCE WAS NOT IN COMPLIANCE UNDER *PADILLA V. KENTUCKY* AND DEFENDANT'S SIXTH AMENDMENT RIGHTS.

	WHEREFORE, for these reasons,	humbly requests from this	
cou	ourt that he is worthy of this Court's reconside	eration of his plea, and prays that the	
Co	Court:		
A. P	Permit Defendant to withdraw his plea;		
B. If deemed necessary, Grant a hearing on this matter, including an evidentiary			
h	hearing, on any contested issues of fact;		
C.	Accept a re-negotiated plea;		
D.	Grant such other further relief as the Court deems just and efficient under the		
circu	cumstances.		
		Respectfully submitted,	
		By:	
		Laurence H. Margolis (P69635) Margolis Law, P.C.	
Date	te:	na gom Law, 1.C.	

CONSTITUTIONAL RIGHT TO CONFLICT FREE COUNSEL WAS FLAGRANTLY VIOLATED WHEN HIS

DEFENDANT WITHOUT KNOWLEDGE OR

ATTORNEY CONCURRENTLY REPRESENTED HIS CO-

PERMISSION.

CERTIFICATE OF SERVICE

I, Laurence H. Margolis, attorney for this day delivered by facsimile and hand delivery, a true and correct copy of the Defendant's Motion to Withdraw Plea and Vacate Conviction and this Certificate of Service to



This the

Laurence H. Margolis (P69635) Attorney for Defendant