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HOW TO OBTAIN CRIMINAL CASE RECORDS

What happens to an immigrant in criminal court can have major ramifications on immigration status and eligibility for US citizenship, whether the individual is in valid nonimmigrant or green card status, or out of status. For most people in the criminal justice system, they often do not fully understand the procedures or what has happened to them. Our immigration laws do not mesh well with what happens in criminal court. An example is that if you ever plead guilty or nolo contendere, even if a case is ultimately dismissed or expunged, it still may have severe immigration consequences. Much of the law on the immigration consequences of crimes is a matter of litigation and case law and often requires some research or zealous advocacy on very fine points. Therefore, to properly analyze the immigration consequences of criminal activity, we must see the actual court records and then match those to statutes and case law on the subject. Please note, that we need the information on every crime for which you were arrested and/or convicted in the U.S. AND ABROAD!

For EACH criminal case, please obtain CERTIFIED copies of the following documents, if available. At first you might be told the records are not available or are in archives. If in archives, please order them. If they were truly destroyed, obtain a letter from the court clerk stating the records were destroyed, when, and are not available. Otherwise, most courts should have actual copies, microfiche or backup copies. Some courts just have the docket, minutes or a summary. However, insist on the full list of records below if more records are available besides the docket/minutes. Make sure the copies you receive are stamped "certified" by the court clerk.

We will need the following:

1. The charging document (usually called either the complaint, information, or indictment, etc.)
2. The docket or minutes from the plea and sentence (the court's journal)
3. The reporter's transcript of the plea and sentence (this could be a written transcript or a recording, or transcript of a recording). This is really important because we want to know what facts you plead to.
4. Judge's order including plea agreement, jury verdict, sentence, dismissal
5. Any waiver of rights form signed by the defendant
6. The probation report
7. Proof the sentence was complied with (jail/prison time served, fines paid, community service performed, classes attended, etc).

8. Any post-conviction relief (e.g., pardons, expungements, reversals, new trial orders, etc.)

If you were arrested but never charged and never had a court hearing, etc. please obtain from local law enforcement AND the prosecutor the following:

1. The police report
2. Prosecutor's decision to decline prosecution

If you have been arrested for any reason anywhere in the world, even if not formally charged or the charges were dismissed, you should also obtain the following types of background checks, particularly the kind based on fingerprints. FBI checks may also show prior encounters with INS/CBP along the border if you were ever caught, turned away or put in removal proceedings.

1. USA:
 - a. FBI rap sheet <http://www.fbi.gov/about-us/cjis/background-checks/submitting-an-identification-record-request-to-the-fbi>
 - b. State rap sheet – e.g., Washington State: <https://fortress.wa.gov/wsp/watch/>
California: (Livescan) <http://oag.ca.gov/fingerprints>
2. Outside the USA:
 - a. The national rap sheet (also called criminal record or background check) E.g., Canadian RCMP 10 fingerprint: <http://www.rcmp-grc.gc.ca/cr-cj/fing-empr2-eng.htm>
 - b. State or province rap sheet