

State v. Jiminez

An alien defendant pled guilty to a misdemeanor offense which qualified her for deportation under federal statutes. The defendant subsequently filed a writ of habeas corpus, claiming that her plea was involuntary because she had not been admonished that deportation was a possible consequence of a guilty plea. A county court granted her relief and the State appealed up to the Court of Criminal Appeals, which reversed. The Court held that deportation was a collateral consequence of a guilty plea. Although the Legislature had chosen to require a deportation warning to those pleading guilty to felonies, no such admonishment was mandated for misdemeanor cases and no constitutionally protected right calls for the warning to be given. Although the Court opined that it would be a good practice to provide the warning in all cases, it declined to impose such a requirement.