



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: ENRIQUEZ, MARIA REGINA

A 090-496-769

Date of this notice: 7/26/2013

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Donna Carr

**Donna Carr
Chief Clerk**

Enclosure

**Panel Members:
Cole, Patricia A.
Pauley, Roger
Donovan, Teresa L.**

**yungc
User team: Docket**

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Falls Church, Virginia 22041

File: A090 496 769 - Las Vegas, NV

Date:

JUL 26 2013

In re: MARIA REGINA ENRIQUEZ a.k.a. Maria Pitones-Perez

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Maya Bodhi, Esquire

ON BEHALF OF DHS: Charles W. Baccus
Assistant Chief Counsel

CHARGE:

Notice: Sec. 237(a)(2)(A)(iii), I&N Act [8 U.S.C. § 1227(a)(2)(A)(iii)] -
Convicted of aggravated felony

APPLICATION: Termination of proceedings

On December 29, 2009, an Immigration Judge terminated removal proceedings against the respondent. The Department of Homeland Security ("DHS") filed a timely appeal. On June 10, 2013, the DHS filed a motion to withdraw its appeal. The DHS's request to withdraw its appeal in this case will be granted. *See* 8 C.F.R. § 1003.4.

The Immigration Judge terminated the removal proceedings after concluding that the respondent's conviction for possession of a stolen vehicle in violation of Nevada Revised Statutes § 205.273(b)(1), for which she was sentenced to a suspended prison term of 12-32 months did not constitute an aggravated felony. The DHS now provides an amended judgment of conviction indicating that the respondent withdrew her guilty plea and entered a plea of guilty for the offense of gross misdemeanor conspiracy possession of a stolen vehicle and was sentenced to credit for time served of 3 days. Pursuant to *Matter of Cota-Vargas*, 23 I&N Dec. 849 (BIA 2005), the amended judgment of conviction is entitled to full faith and credit and is valid for immigration purposes. Thus, the respondent's conviction is not an aggravated felony, and the sole charge that the respondent is removable as an alien convicted of an aggravated felony cannot be sustained.

Accordingly, the following order is entered.

ORDER: The DHS's request to withdraw the appeal is granted and the Immigration Judge's decision terminating the removal proceedings is final.



FOR THE BOARD

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
Las Vegas, Nevada

File No.: A 090 496 769

December 29, 2009

In the Matter of)
ENRIQUEZ, MARIA REGINA) IN REMOVAL PROCEEDINGS
Respondent)

CHARGE: Section 237(a)(2)(A)(iii) convicted of an
aggravated felony.

APPLICATIONS: Termination of proceedings.

ON BEHALF OF RESPONDENT:

ON BEHALF OF DHS:

Maya Bodhi

Charles Baccus

ORAL DECISION OF THE IMMIGRATION JUDGE

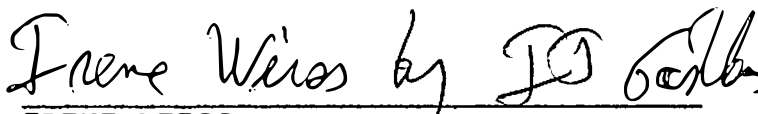
Respondent is a female alien, native and citizen of Mexico. Her status was adjusted to that of a lawful permanent resident on April 3, 1989. As a result of a conviction on July 8, 2009 in the Eighth District Court at Las Vegas, Nevada for possession of a stolen vehicle, a Notice to Appear was issued on October 1, 2009. The respondent was sentenced to serve between 12 and 32 months, which sentence was suspended and she was placed on 4 years probation.

The Court finds that since the respondent was not convicted of knowingly possessing a stolen vehicle, but rather having reason to believe the vehicle was stolen, the Court finds that she has not been convicted of an aggravated felony.

Consequently, since this particular conviction occurred approximately 20 years after her status was adjusted to that of a lawful permanent resident, the proceedings herein will be terminated. Accordingly, therefore, the following order is being entered:

ORDER

IT IS HEREBY ORDERED that the proceedings herein be and the same are terminated.


IRENE WEISS
United States Immigration Judge

CERTIFICATE PAGE

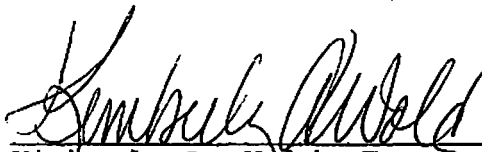
I hereby certify that the attached proceeding before
JUDGE IRENE WEISS, in the matter of:

ENRIQUEZ, MARIA REGINA

A 090 496 769

Las Vegas, Nevada

is an accurate, verbatim transcript of the recording as provided by
the Executive Office for Immigration Review and that this is the
original transcript thereof for the file of the Executive Office
for Immigration Review.



Kimberly A. Wold, Transcriber
Free State Reporting, Inc.

February 7, 2010
(completion date)

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DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW
MAR -1 2010
U.S. IMMIGRATION COURT
LAS VEGAS NV