

Brazilian Loses Ohio Clemency Bid

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Byline: Susan Levine

Body

Despite his state parole board's unanimous recommendation in favor of a 22-year-old **Ohio** man, Gov. Bob Taft (R) yesterday refused to grant Joao Herbert the **clemency** that could have allowed him to avoid deportation to his native Brazil.

Herbert was adopted as a child from South America but was never naturalized as a U.S. citizen. In June, a federal immigration judge ordered him deported because of a drug conviction for selling 7.5 ounces of marijuana to a police informer as a teenager. It was Herbert's only criminal offense--for which he was sentenced to probation and community treatment--but under immigration law it made him an aggravated felon subject to removal.

Although Herbert has appealed the judge's order, he has virtually no chance of having it overturned, and his attorney, Maura Jaite, described him as "totally devastated" yesterday. He has been in INS detention for 17 months.

In a harshly worded statement, Taft said the case didn't meet his "high standard for **clemency**" and urged Herbert to "consider the gravity of his actions and work hard to rehabilitate himself." Taft noted that the immigration case "potentially has serious consequences" but called that a separate legal matter.

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