

NOTICE OF IMMIGRATION CONSEQUENCES

If you are not a United States citizen, a plea of guilty to any offense, a conviction by trial verdict, or a youthful offender adjudication subjects you to a risk that adverse consequences will be imposed on you by the United States immigration authorities, including, but not limited to, removal from the United States, exclusion from admission to the United States, and/or denial of naturalization. Because the immigration consequences applicable in your particular case may depend on factors such as your current immigration status, your length of residence in the United States, and your previous criminal history, you should consult with your attorney for advice specific to your circumstances.

The following are designated as deportable offenses under 8 U.S.C. § 1227(a)(2), and any non-citizen convicted of such an offense (within the meaning of 8 U.S.C. § 1101[a][48]) “shall, upon order of the Attorney General, be removed” (8 U.S.C. § 1227[a]), regardless of whether the offense is a felony, a misdemeanor, or any other offense under State law:

- any controlled substance or marihuana offense (other than a first offense involving possession for one’s own use of 30 grams or less of marihuana);
- any offense involving a firearm, any domestic violence offense or violation of an order of protection, any stalking offense or crime of child abuse, and failure to register as a sex offender;
- any offense designated an “aggravated felony” under 8 U.S.C. § 1101(a)(43), including, but not limited to: murder; rape; any controlled substance or firearm trafficking offense; bail jumping; burglary, robbery, receipt of stolen property, or any other theft-related offense or crime of violence for which a sentence of one year or more is imposed; or any offense involving money laundering of more than \$10,000 or fraud, deceit or tax evasion in which the loss to the victim(s) is more than \$10,000; and
- many other offenses described in 8 U.S.C. § 1227(a)(2).

In addition, if the offense constitutes an “aggravated felony,” or if you are not a lawful permanent resident of the United States (or have not been such for at least five years with at least seven years’ continuous residency) and the offense is any deportable offense, there will be additional consequences, including, but not limited to, your ineligibility for discretionary cancellation of removal by the Attorney General.

NOTIFICACIÓN SOBRE CONSECUENCIAS INMIGRATORIAS

Si usted no es ciudadano de los Estados Unidos, una declaración de culpabilidad por cualquier ofensa, un veredicto condenatorio mediante un juicio o una declaración como ofensor juvenil lo hará sujeto al riesgo de que las autoridades inmigratorias de los Estados Unidos le impongan consecuencias adversas, que incluyen, sin que estas se limiten a, su expulsión de Los Estados Unidos, exclusión de ser admitido a los Estados Unidos, y/o el rechazo de su solicitud para la ciudadanía o naturalización. Debido a que las consecuencias de inmigración aplicables a su caso en particular pueden depender de factores como su estado de inmigración actual, el tiempo que lleva viviendo en los Estados Unidos y sus antecedentes penales, usted debe consultar a su abogado para asesoría específica a sus circunstancias.

Las siguientes ofensas han sido clasificadas como aquellas que implican deportación de acuerdo a la ley 8 U.S.C. § 1227(a)(2), y cualquiera que no sea ciudadano y sea condenado por tal ofensa (como lo define la ley 8 U.S.C. § 1101[a][48]) “deberá, bajo ordenes del Procurador General, ser expulsado” de los Estados Unidos (8 U.S.C. § 1227[a]), sin importar si la ofensa es un delito mayor, un delito menor, o cualquier otra ofensa según las leyes estatales:

- cualquier ofensa por sustancias reguladas o marihuana (excepto la primera ofensa relacionada con posesión de 30 gramos de marihuana o menos para uso propio);
- cualquier ofensa que incluya un arma de fuego, cualquier ofensa por violencia doméstica o violación de una orden de protección, cualquier ofensa por acechar o delito por maltrato de menores, e incumplimiento a registrarse como ofensor sexual;
- cualquier ofensa clasificada como un “delito con agravante” de acuerdo a la ley 8 U.S.C. § 1101(a)(43), incluyendo, y sin que estas se limiten a: homicidio; violación sexual; cualquier ofensa por tráfico de sustancias reguladas o de armas de fuego; huir estando bajo fianza, entrar sin autorización en propiedad ajena con la intención de cometer un crimen, robo, recepción de propiedad robada, o cualquier otra ofensa relacionada con robo o un delito de violencia por el cual se haya impuesto una condena de un año o más; o cualquier ofensa relacionada con el lavado de dinero por más de \$10,000 o un fraude, estafa o evasión de impuestos en el que las pérdidas de la(s) víctima(s) sean mayores de \$10,000; y
- muchas otras ofensas descrita en la ley 8 U.S.C. § 1227(a)(2).

Además, si la ofensa constituye un “delito con agravante”, o si usted no es un residente permanente de los Estados Unidos (o no lo ha sido por un mínimo de cinco años durante una estadía continua de siete años o más) y la ofensa es una que implica deportación, habrán consecuencias adicionales que incluyen, y sin que estas se limiten a, su inelegibilidad para la cancelación de su expulsión a discreción del Procurador General.

關於犯罪對移民方面的影響的通訊

如果你不是美國公民，對任何刑事控訴認罪，被審判定罪，或被判為少年犯罪者，都有可能導致移民局對你做出不良的判斷，包括但不限於遞解出境，禁止入境，和/或入籍不批。由於關乎你的移民方面的影響都隨著你的案件的情況和某因素而不同，例如你現今的身份，在美居留時間，和你的犯罪記錄，你應該請教你的移民律師。

以下是根據美國聯邦律例的 8 U.S.C. § 1227(a)(2) 被稱為可遞解出境的罪行。任何以這些罪名被定罪的非公民人士（依照美國聯邦律例 8 U.S.C. § 1101 [a][48] 的意思），無論罪名是州制法律的重型，中型，或輕型罪行，“都將會以律師長的命令被遞解出境”（8 U.S.C. § 1227 [a]）：

- 任何受管制物質或大麻罪行（除了首次違犯持有自己服用的30克或以下分量的大麻罪名）。
- 任何涉及槍械的罪行，任何家庭暴力或違反保護令的罪行，任何跟蹤或兒童虐待的罪行，或性犯罪者忽略與政府登記。
- 任何依照聯邦律例8 U.S.C. § 1101 (a) (43) 被稱為“加重重刑罪”的罪行，包括但不限於：謀殺；強姦；任何受管制物質或槍械販運罪行；被命令出庭而缺席；入屋犯法，搶劫，接受被竊贓物，其他涉及盜竊的罪行，或可被判一年及以上的判刑的暴力罪行；或任何涉及超越 \$10,000 的錢財清洗罪行，欺詐，欺騙，或對受害人的損失超越 \$10,000 逃繳稅款；及
- 多項其他描述於美國聯邦律例8 U.S.C. § 1227 (a) (2) 的罪行。

此外，若果該罪行構成“加重重刑罪”，或若果你不是合法在美國居留的（或在美國不斷居留至少七年，其至少五年沒有合法居留權）而該罪行是任何一行可遞解的罪行的話，將會帶來其他的後果，包括但不限於失去律師長酌情取消遞解令的資格。

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

GARY CABANA,

Defendant.

THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, accuses the defendant of the crime of **AN ATTEMPT TO COMMIT THE CRIME OF MURDER IN THE SECOND DEGREE**, in violation of Penal Law §§110/125.25(1), committed as follows:

The defendant, in the County of New York, on or about March 12, 2022, with intent to cause the death of another person, attempted to cause the death of an individual known to the Grand Jury.

SECOND COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant of the crime of **AN ATTEMPT TO COMMIT THE CRIME OF MURDER IN THE SECOND DEGREE**, in violation of Penal Law §§110/125.25(1), committed as follows:

The defendant, in the County of New York, on or about March 12, 2022, with intent to cause the death of another person, attempted to cause the death of a second individual known to the Grand Jury.

THIRD COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant of the crime of **AN ATTEMPT TO COMMIT THE CRIME OF ASSAULT IN THE FIRST DEGREE**, in violation of Penal Law §§110/120.10(1), committed as follows:

The defendant, in the County of New York, on or about March 12, 2022, with intent to cause serious physical injury to another person, attempted to cause such injury to an individual known to the Grand Jury, by means of a dangerous instrument, to wit, a sharp object.

FOURTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant of the crime of **AN ATTEMPT TO COMMIT THE CRIME OF ASSAULT IN THE FIRST DEGREE**, in violation of Penal Law §§110/120.10(1), committed as follows:

The defendant, in the County of New York, on or about March 12, 2022, with intent to cause serious physical injury to another person, attempted to cause such injury to a second individual known to the Grand Jury, by means of a dangerous instrument, to wit, a sharp object.

FIFTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant of the crime of **ASSAULT IN THE SECOND DEGREE**, in violation of Penal Law §120.05(2), committed as follows:

The defendant, in the County of New York, on or about March 12, 2022, with intent to cause physical injury to another person, caused such injury to an individual known to the Grand Jury, by means of a dangerous instrument, to wit, a sharp object.

SIXTH COUNT:

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant of the crime of **ASSAULT IN THE SECOND DEGREE**, in violation of Penal Law §120.05(2), committed as follows:

The defendant, in the County of New York, on or about March 12, 2022, with intent to cause physical injury to another person, caused such injury to a second individual known to the Grand Jury, by means of a dangerous instrument, to wit, a sharp object.

ALVIN L. BRAGG, JR.
District Attorney

Filed:

NA

CR-006516-22NY

No.

THE PEOPLE OF THE STATE OF NEW YORK

-against-

GARY CABANA,

Defendant.

INDICTMENT

AN ATTEMPT TO COMMIT THE CRIME OF MURDER IN THE SECOND DEGREE, P.L. §§110/125.25(1), 2 Cts
AN ATTEMPT TO COMMIT THE CRIME OF ASSAULT IN THE FIRST DEGREE, P.L. §§110/120.10(1), 2 Cts
ASSAULT IN THE SECOND DEGREE, P.L. §120.05(2), 2 Cts

ALVIN L. BRAGG JR., District Attorney

A True Bill

Matthew McCarthy
Trial Bureau 30

Foreman

ADJOURNED TO PART _____ ON _____