2011

Recent Developments: Miller v. State: The United States Supreme Court Decision in Padilla v. Kentucky, Holding That Failure to Advise Non-Citizen Clients about Deportation as a Possible Consequence of a Guilty Plea Could Invalidate the Plea, Created New Law and Therefore Does Not Apply Retroactively to Invalidate Judgments Finalized Prior to the March 31, 2010 Decision

Mary Lynn Denholm

MILLER V. STATE

By: Mary Lynn Denholm

THE UNITED STATES SUPREME COURT DECISION IN
PADILLA V. KENTUCKY, HOLDING THAT FAILURE TO
ADVISE NON-CITIZEN CLIENTS ABOUT DEPORTATION AS A
POSSIBLE CONSEQUENCE OF A GUILTY PLEA COULD
INVALIDATE THE PLEA, CREATED NEW LAW AND
THEREFORE DOES NOT APPLY RETROACTIVELY TO
INVALIDATE JUDGMENTS FINALIZED PRIOR TO THE
MARCH 31, 2010 DECISION.

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Please cite this Recent Development as *Miller v. State*, 41 U. Balt. L.F. 177 (2011).