



U.S. Department of Justice

EHM:YY:jaw
39-82-7478.03

(202) 305-4923

Washington, D.C. 20530

July 14, 2011

U.S. FEDERAL EXPRESS

William Frick, Esq
Law Office of William Frick,
7900 Se 28th St.
Suite 500,
Mercer Island, Wash. 98040

Re: Turgut Tarhan v. Eric H. Holder, Jr.
No. 11-71854 (A088 737 523)

Dear Petitioner/Counsel:

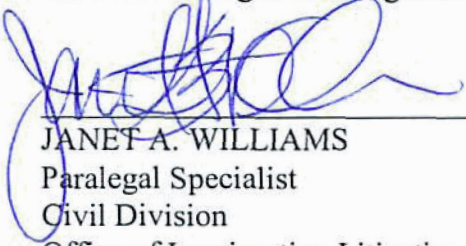
Enclosed is a copy of the Certified Administrative Record of Proceedings filed in the above-referenced case. The Executive Office of Immigration Review (EOIR) will be filing a copy of this record on CD-ROM with the Ninth Circuit Court of Appeals.

Please serve this office at the address listed below with two copies of any brief and one copy of any other papers you file with the court in this case. We will accept such service as fully satisfying all of the requirements of service on the Government so long as this case is within the jurisdiction of the Court of Appeals.

Sincerely,

DAVID McCONNELL
Director
Office of Immigration Litigation

By:



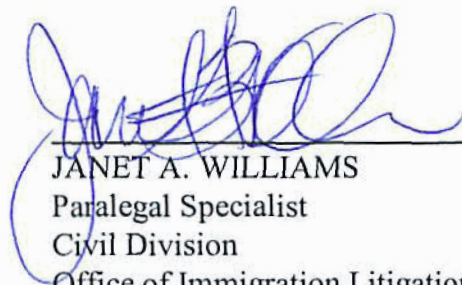
JANET A. WILLIAMS
Paralegal Specialist
Civil Division
Office of Immigration Litigation
P.O. Box 878,
Ben Franklin Station
Washington, D.C. 20044

CERTIFICATE OF SERVICE

I hereby certify that the attached Certified Record of Administrative Proceedings has been served upon the petitioner this 14TH day of July 2011, by mailing a copy thereof by U.S.

FEDERAL EXPRESS :

William Frick, Esq
Law Office of William Frick,
7900 Se 28th St.
Suite 500,
Mercer Island, Wash. 98040



JANET A. WILLIAMS
Paralegal Specialist
Civil Division
Office of Immigration Litigation
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Washington, D.C. 20044

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TURGUT TARHAN
A88-737-523

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U.S. Department of Justice

Executive Office for Immigration Review

Office of General Counsel

5107 Leesburg Pike, Suite 2400
Falls Church, Virginia 22041

Re: TURGUT TARHAN

A88-737-523

I, Tiffany Morant, declare as follows:

1. I am employed as a Government Contractor by the Executive Office for the Immigration Review of the United States Department of Justice. I am authorized to certify the authenticity of copies of documents on file in the Office of the Immigration Judge, Seattle, Washington.
2. The attached documents are true, correct and complete copies of the documents included in the Record of Proceeding to date, maintained in the above office on this case.

Pursuant to 28 USC 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed by: Tiffany Morant on: 7/12/11
(signature) (date)



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

*3107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041*

Healey, Sharon A., Esq.
Law Office of Sharon A Healey
9594 1st Avenue, N.E., Suite 255
Seattle, WA 98115

DHS/ICE Office of Chief Counsel - SEA
1000 Second Avenue, Suite 2900
Seattle, WA 98104

Name: TARHAN, TURGUT

A088-737-523

Date of this notice: 6/6/2011

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:

Adkins-Blanch, Charles K.

tranc

000001



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

TARHAN, TURGUT
7343 19TH AVE. NE
SEATTLE, WA 98115

DHS/ICE Office of Chief Counsel - SEA
1000 Second Avenue, Suite 2900
Seattle, WA 98104

Name: TARHAN, TURGUT

A088-737-523

Date of this notice: 6/6/2011

Enclosed is a copy of the Board's decision in the above-referenced case. This copy is being provided to you as a courtesy. Your attorney or representative has been served with this decision pursuant to 8 C.F.R. § 1292.5(a). If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of the decision.

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Panel Members:
Adkins-Blanch, Charles K.

tranc

000002

Falls Church, Virginia 22041

File: A088 737 523 - Seattle, WA

Date:

JUN - 6 2011

In re: TURGUT TARHAN

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Sharon A. Healey, Esquire

ON BEHALF OF DHS: Robert F. Peck
Assistant Chief Counsel

APPLICATION: Continuance; voluntary departure

The respondent, a native and citizen of Turkey, has filed a timely appeal of the Immigration Judge's decision issued May 5, 2009, which found the respondent removable and denied his request for a continuance and for voluntary departure. The respondent has filed a brief on appeal, which we have considered in making a determination in this case. The Department of Homeland Security (DHS) has filed a brief opposing the appeal. The appeal will be dismissed.

The factual findings of the Immigration Judge are reviewed to determine whether they are "clearly erroneous." 8 C.F.R. § 1003.1(d)(3) (Board's standard of review). All other issues in appeals from decisions of Immigration Judges, including legal and discretionary determinations and applications of law to fact, are reviewed *de novo*. 8 C.F.R. § 1003.1(d)(3); *see also Matter of A-S-B-*, 24 I&N Dec. 493 (BIA 2008).

We find no clear error in the factual findings of the Immigration Judge in this case. Upon *de novo* review of the questions of law, discretion, and judgment presented, we agree with the Immigration Judge's denial of a continuance and voluntary departure.

In particular, the respondent failed to establish good cause for a continuance in his case, where his request was based on speculation regarding possible future legislation which might provide him relief, comprehensive immigration reform legislation (I.J. at 2). *See* 8 C.F.R. § 1003.29; *Matter of Sibrum*, 18 I&N Dec. 354, 355 (BIA 1983). Moreover, the respondent has failed to show prejudice in his case. To date no immigration reform legislation has been enacted into law which would render the respondent *prima facie* eligible for relief from removal, and his rape conviction has not been vacated (Respondent's Appeal Brief, at 2-3). Finally, we are not persuaded by his argument that he was denied due process, where the respondent was provided a full and fair hearing in this case and the Immigration Judge did explain why he denied the request for a continuance (I.J. at 1-2).

Furthermore, we find no reason to disturb the Immigration Judge's denial of voluntary departure in the exercise of discretion in light of the respondent's conviction for rape (I.J. at 2-3). Although

the respondent asserts on appeal that he had "no criminal record," the Immigration Judge properly noted the severity of the offense for which the respondent was convicted, and we agree with his conclusion denying voluntary departure in the exercise of discretion (Respondent's Appeal Brief, at 3-4; I.J. at 2-3). On appeal, the respondent has not set forth specific positive factors which would outweigh the negative factor of his conviction for rape.

Accordingly, the following order will be entered.

ORDER: The appeal is dismissed.

A handwritten signature in black ink, consisting of several loops and flourishes, positioned above a horizontal line.

FOR THE BOARD



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

SHARON A. HEALEY
9594 1st Ave., NE Suite 255
Seattle, WA 98115

Office of the District Counsel/SEA
1000 Second Avenue, Suite 2900
Seattle, WA 98104

Name: TARHAN, TURGUT

A088-737-523

Type of Proceeding: Removal

Date of this notice: 7/14/2009

Type of Appeal: Case Appeal

Appeal filed by: *Alien*

Date of Appeal: 6/4/2009

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NOTICE -- BRIEFING SCHEDULE

- o Enclosed is a copy of the decision of the Immigration Judge.
- o Enclosed is a copy of the transcript of the testimony of record.
- o Appealing party is granted until 8/4/2009 to submit a brief to the Board of Immigration Appeals. The brief must be **RECEIVED** at the Board on or before this date.
- o Opposing party is granted until 8/25/2009 to submit a brief to the Board of Immigration Appeals. The brief must be **RECEIVED** at the Board on or before this date.

WARNING: If you indicated on the Notice of Appeal (Form EOIR-26) that you will file a brief or statement, you are expected to file a brief or statement in support of your appeal. If you fail to file the brief or statement within the time set for filing in this briefing schedule, the Board may summarily dismiss your appeal. See 8 C.F.R. § 1003.1(d)(2)(i)(E).

If you are an alien and you received this notice, you are not represented by an attorney or accredited representative. An attorney or accredited representative must file a Notice of Entry of Appearance (Form EOIR-27) to represent you. 8 C.F.R. §§ 1003.3(a)(3) and 1003.38(g). Until a Form-27 is received, you are responsible for submitting a brief, and any submissions by anyone other than you will be rejected.

FILING INSTRUCTIONS – In General.

IMPORTANT: The Board of Immigration Appeals has included two copies of this notice. Please attach one copy of this notice to the front of your brief when you mail or deliver it to *chennubs*

DOROTHY STEFAN
Chief Counsel
GREGORY FEHLINGS
Deputy Chief Counsel
ROBERT F. PECK
Assistant Chief Counsel
1000 Second Ave., Suite 2900
Seattle, W A 98104
(206) 553-2366
Attorneys for the Department
Of Homeland Security

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**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS**

In the Matter of:

Turgut Tarhan

In Removal Proceedings

File No.: A88 737 523

GOVERNMENT REPLY BRIEF

ISSUE ON APPEAL

The Respondent appeals the decision of the Immigration Judge to continue the case and to deny voluntary departure as a matter of discretion.

SUMMARY OF THE ARGUMENT

The Department of Homeland Security (DHS) requests the Board of Immigration Appeals summarily affirm the decision of the Immigration Judge.

SUMMARY OF THE CASE

The Department of Homeland Security (DHS) submits that the summary of the case by the Immigration Judge was correct in all material aspects; that, assuming any errors do exist in the decision they are harmless or immaterial.

FACTS

The Respondent admitted and conceded that he was removable and asked for a general continuance in hopes of Congress passing a change in the law. The Respondent also wished to remain while his rape conviction appeal was resolved. The Respondent was found guilty of rape by a jury.

The government opposed voluntary departure based upon the jury verdict of guilty of rape. The government argued that this constituted a serious adverse fact and the Respondent was not deserving of voluntary departure. The Immigration Judge denied voluntary departure in the exercise of discretion.

ARGUMENT

Continuance

Generally after the commencement of the hearing, the Immigration Judge may grant a continuance for good cause shown. An Immigration Judge may not grant continuances which unduly delay removal proceedings in contravention of prompt hearing requirement. Matter of Silva-Rodriguez, 20 I&N Dec. 448 (BIA 1992) (error to grant one-year continuance to show rehabilitation for 212(c) relief); Matter of Garcia-Reyes, 19 I&N Dec. 830.28 (BIA 1988) (error to grant 6-month continuance to show rehabilitation when no relief available).

Bare, unsupported allegations are insufficient; the movant must specifically articulate the particular facts involved, that the denial of the continuance caused the Respondent actual prejudice and harm and materially affected the outcome of the case. Matter of Sibrun, 18 I&N Dec. 354, 356 (BIA 1983); *accord*, Matter of Perez-Andrade, 19 I&N Dec. 433 (BIA 1987). Diligence and good faith showing required where motion based on claimed lack of preparation. It must also be shown that any additional evidence to be offered at a continued hearing will be probative, noncumulative, and significantly favorable to the movant. Matter of Sibrun, *supra*

Good cause is not shown by requesting a continuance to await the results of a collateral event, that may occur ear some indefinite time in the future and the outcome of the event may or may not be favorable to the Respondent. Matter of Perez-Andrade, 19 I&N Dec. 433 (BIA 1987).

Generally, an alien may be granted a continuance if seeking to adjust status on the basis of a simultaneously filed but unadjudicated visa petition, at least where *prima facie* eligible for adjustment of status based on approval of such petition. Matter of Garcia, 16 I&N Dec. 653 (BIA 1978).

Voluntary Departure

The statutory language in §240B(b)(1), "The Attorney General may permit . . .", establishes that voluntary departure is discretionary. "[D]iscretion remains a required element of voluntary departure under both § 240B(a) and § 240B(b) of the Act." Matter of Arguelles, 22 I&N Dec. 811 (BIA 1999) at 8. The BIA has affirmed the continued applicability of the discretionary standards it has previously articulated in Matter of Gamboa, 14 I&N Dec. 244 (BIA 1972) to include the nature and underlying circumstances of the deportation ground at issue; additional violations of the immigration laws; the existence, seriousness, and recency of any criminal record; and other evidence of bad character or the undesirability of the applicant as a permanent resident. . . . [Discretion may be favorably exercised in the face of adverse factors where there are compensating elements such as long residence here, close family ties in the United States, or humanitarian needs. Arguelles, 22 I&N Dec. 811 (BIA 1999)

The Respondent having been found guilty beyond a reasonable doubt of the crime of rape is strong evidence of bad character. The Respondent lacked any countervailing equities.

CONCLUSION

The Department of Homeland Security (DHS) submits that the decision of the Immigration Judge was correct in all material aspects; that, assuming any errors do exist in the decision they are harmless or immaterial. The government requests this decision be summarily affirmed.

Respectfully submitted,



**Robert F. Peck
Assistant Chief Counsel
Seattle, WA**

Certificate of Mailing:

I hereby certify and declare under penalty of perjury that, on July ³⁰~~29~~, 2009, I caused to be served the above document by placing a true copy thereof in a sealed envelope, with postage thereon to be fully prepaid by normal government process and causing the same to be mailed by first class mail to the person at the address set forth below:

Sharon Healey, Attorney, 9594 1st Avenue NE, Suite 255, Seattle, WA 98115



**Assistant Chief Counsel
Office of Chief Counsel
Immigration and Customs Enforcement
1000 Second Avenue, Suite 2900
Seattle, WA 98104**

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Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

SHARON A. HEALEY
9594 1st Ave., NE Suite 255
Seattle, WA 98115

Office of the District Counsel/SEA
1000 Second Avenue, Suite 2900
Seattle, WA 98104

Name: TARHAN, TURGUT

A088-737-523

Type of Proceeding: Removal

Date of this notice: 7/14/2009

Type of Appeal: Case Appeal

Appeal filed by: Alien

Date of Appeal: 6/4/2009

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NOTICE – BRIEFING SCHEDULE

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- o Opposing party is granted until 8/25/2009 to submit a brief to the Board of Immigration Appeals. The brief must be **RECEIVED** at the Board on or before this date.

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FILING INSTRUCTIONS -- In General.

IMPORTANT: The Board of Immigration Appeals has included two copies of this notice. Please attach one copy of this notice to the front of your brief when you mail or deliver it to the Board.

the Board, and keep on records. Thank you for your cooperation.

A fee is not required for the filing of a brief. Your brief must be RECEIVED at the Clerk's Office at the Board of Immigration Appeals within the prescribed time limits. It is NOT sufficient simply to mail the brief and assume your brief will arrive on time. We strongly urge the use of an overnight courier service to ensure the timely filing of your brief.

Use of an over-night courier service is strongly encouraged to ensure timely filing.

If the alien is represented by counsel at the appeal level, a Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27) must be filed with the Board.

If you have any questions about how to file something at the Board, you should review the Board's Practice Manual and Questions and Answers at www.usdoj.gov/eoir.

Proof of service on the opposing party at the address above is required for ALL submissions to the Board of Immigration Appeals -- including correspondence, forms, briefs, motions, and other documents. If you are the Respondent or Applicant, the "Opposing Party" is the District Counsel for the DHS at the address shown above. Your certificate of service must clearly identify the document sent to the opposing party, the opposing party's name and address, and the date it was sent to them. Any submission filed with the Board without a certificate of service on the opposing party will be rejected.

Filing Address:

To send by courier or overnight delivery service, or to deliver in person:

Board of Immigration Appeals,
Clerk's Office,
5107 Leesburg Pike, Suite 2000,
Falls Church, VA 22041

Business hours: Monday through Friday, 8:00 a.m. to 4:30 p.m.

To mail by regular first class mail:

Board of Immigration Appeals
Clerk's Office
P.O. Box 8530
Falls Church, VA 22041.

FILING INSTRUCTIONS -- Extension Request.

Unless you receive a Board Notice granting your extension request, your brief will remain due on the date stated above.

Extensions of briefing time will only be granted for good cause. All extension requests must be in writing. Telephonic or fax requests will not be accepted.

Extension requests must be RECEIVED at the Board on or before the expiration of the initial briefing schedule. Requests for extension of briefing time received after expiration of the initial briefing period, will not be granted.

The policy of the Board is that no additional extensions will be granted.

chennubs

088-737-523



Sharon A. Healey, Esq.
Law Office of Sharon A. Healey
9594 1st Ave., NE Suite 255
Seattle, WA 98115
(206) 257-0294

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS

In the Matter of TURGUT TARHAN

Respondent/Appellant

File No. A088 737 523

In Removal Proceedings

NOT DETAINED

RESPONDENT'S OPENING BRIEF TO THE BIA

I. INTRODUCTION

Respondent is a native and citizen of Turkey who legally entered the United States on a student visa and was placed in removal proceedings following his conviction for rape in the third degree. At his master calendar hearing the immigration judge denied respondent's request for an indefinite continuance for comprehensive immigration reform and denied respondent's request for post hearing voluntary departure.

II. STATEMENT OF ISSUES PRESENTED FOR REVIEW

1. Whether the immigration judge abused his discretion in denying respondent's motion for an indefinite continuance to await comprehensive immigration reform;
2. Whether the immigration judge abused his discretion in denying respondent's motion for post-conclusion voluntary departure.

BOARD OF
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III. STANDARD FOR REVIEW

An IJ's denial of a motion for continuance is reviewed for an abuse of discretion. *Nakamoto v. Ashcroft*, 363 F.3d 874, 883 n.6 (9th Cir. 2004) (citing *Baires v. INS*, 856 F.2d 89, 91 (9th Cir. 1988)). A denial of voluntary departure is also reviewed for an abuse of discretion. *Cuevas-Ortega v. INS*, 588 F.2d 1274, 1278 (9th Cir.1979).

IV ARGUMENT

A. The immigration judge abused his discretion in denying respondent's an indefinite continuance to await comprehensive immigration reform

Respondent contends that the Immigration Judge's denial of an indefinite continuance to wait for new legislation that would give him the opportunity to acquire immigration relief was an abuse of discretion.

The immigration judge noted that respondent appeared statutorily eligible for voluntary departure, but he denied the request as a matter of discretion on the grounds that respondent had been convicted of a serious crime. However, respondent had filed a direct appeal of his conviction and the appeal was pending. By denying respondent voluntary departure, the immigration judge was denying him the ability to re-enter the United States for a period of ten years. Respondent had entered the United States on a student visa and was a student at the time of his conviction, and had appealed his conviction.

The INS regulations provide that the IJ may grant a continuance for good cause. 8 C.F.R. § 242.13. Among the factors an IJ should consider in deciding whether to grant a continuance are (1) the immigration court's convenience, (2) whether the need for a continuance is due to the alien's unreasonable conduct, and (3) the number and duration of continuances previously granted the alien. *Rivera-Torres v. INS*, 94 F.3d 652 (9th Cir. 1996). However, the denial of a continuance "cannot be decided through the application of bright-

line rules; it must be decided on a case-by-case basis according to the facts and circumstances of each case." *Zomer-Maher v. INS*, 87 F.3d 1326 (9th Cir. 1996). In the present case, the IJ should have continued the case as respondent has appealed his conviction and the continuance would be of little inconvenience to the immigration court. However, denial of the continuance is an extreme hardship for the respondent, who has considerable equities in the United States.

Certainly it is understandable that the IJ wants to take care of his docket in a timely fashion, but the humanitarian concerns in this case place this case outside the ambit of a regular request for continuance. At the very least, the respondent should have been afforded an individual hearing to give him an opportunity to present his equities and give the Immigration Judge a basis on which to exercise his discretion. The IJ was required to but did not set out in specific detail his reasons for not granting the reasonable continuance in violation of respondent's constitutional right to due process.

B. The immigration judge erred in denying respondent's application for voluntary departure where respondent was statutorily eligible

Sec. 240B. 1/(a), which sets forth the requirements for a grant of post-hearing voluntary departure states:

(1) In general.-The Attorney General may permit an alien voluntarily to depart the United States at the alien's own expense under this subsection, in lieu of being subject to proceedings under section 240 or prior to the completion of such proceedings, if the alien is not deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)(B).


Respondent was not deportable under any of the above-referenced sections. The immigration judge failed to qualify her for voluntary departure. Additionally, the immigration judge did not set forth any reasons why respondent, who has no criminal record,

did not merit a discretionary grant of voluntary departure. Under these circumstances the immigration judge's denial of this relief constituted an abuse of discretion.

CONCLUSION

For these reasons set forth above, and as may be found in the record, respondent respectfully requests the Board of Immigration Appeals sustain the appeal and remand this case for a hearing on whether respondent's merit a favorable exercise of discretion.

RESPECTFULLY SUBMITTED this 3rd day of August 2009



SHARON A. HEALEY
Attorney for Respondent

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BOARD OF
IMMIGRATION APPEALS
OFFICE OF THE CLERK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was mailed postage prepaid on the 3rd day of August 2009, as follows:

Office of the Chief Counsel
Department of Homeland Security
1000 Second Avenue #2900
Seattle, WA 98104



Sharon A. Healey

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U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

SHARON A. HEALEY
9594 1st Ave., NE Suite 255
Seattle, WA 98115

Office of the District Counsel/SEA
1000 Second Avenue, Suite 2900
Seattle, WA 98104

Name: TARHAN, TURGUT

A088-737-523

Type of Proceeding: Removal

Date of this notice: 7/22/2009

Type of Appeal: Case Appeal

Appeal filed by: Alien

Date of Appeal: 6/4/2009

NOTICE -- SIGNED ORAL DECISION

o Enclosed for your records is a copy of the oral decision, which contains the signature of the Immigration Judge. Please be advised that the briefing due dates for both parties remain unchanged.

PLEASE NOTE

WARNING: If you indicated on the Notice of Appeal (Form EOIR-26) that you will file a brief or statement, you are expected to file a brief or statement in support of your appeal. If you fail to file the brief or statement within the time set for filing, the Board may summarily dismiss your appeal. See 8 C.F.R. § 1003.1(d)(2)(i)(E).

The Board generally does not grant more than one extension per party or per case, if detained. Therefore, if you have received an extension, you should assume that you will not be granted any further extensions.

If you file your brief late, you must file it along with a motion for consideration of your late-filed brief. There is no fee for such a motion. The motion must set forth in detail the reasons that prevented you from filing your brief on time. You should support the motion with affidavits, declarations, or other evidence. Only one such motion will be considered by the Board.

FILING INSTRUCTIONS

Unless you receive a Board Notice granting your extension request, your brief will remain due on the date provided in the briefing schedule notice.

ohennubs

Extensions of briefing time will only be granted for good cause. Extension requests must be in writing. Telephonic or fax requests will not be accepted.

Extension requests must be **RECEIVED** at the Board on or before the expiration of the initial briefing schedule. Requests for extension of briefing time received after expiration of the initial briefing period, will not be granted.

The policy of the Board is that no additional extensions will be granted.

Proof of service on the opposing party at the address above is required for ALL submissions to the Board of Immigration Appeals – including correspondence, forms, briefs, motions, and other documents. If you are the Respondent or Applicant, the "Opposing Party" is the District Counsel for the DHS at the address shown above. Your certificate of service must clearly identify the document sent to the opposing party, the opposing party's name and address, and the date it was sent to them. Any submission filed with the Board without a certificate of service on the opposing party will be rejected.

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5107 Leesburg Pike, Suite 2000
Falls Church, VA 22041

Business hours: Monday through Friday, 8:00 a.m. to 4:30 p.m.

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Board of Immigration Appeals
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P.O. Box 8530
Falls Church, VA 22041.

If you have any questions about how to file something at the Board, you should review the Board's Practice Manual and Questions and Answers at www.usdoj.gov/eoir.

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U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

Seattle, Washington

File A 88 737 523

Date: May 5, 2009

In the Matter of

TURGUT TARHAN

Respondent

)
)
)
)

IN REMOVAL PROCEEDINGS

CHARGE: Failure to comply with conditions of admission

APPLICATION: Request for Voluntary Departure

APPEARANCES:

ON BEHALF OF RESPONDENT:

Lauren Barr, Esquire

ON BEHALF OF THE DEPARTMENT
OF HOMELAND SECURITY:

Robert F. Peck, Esquire

ORAL DECISION OF THE IMMIGRATION JUDGE

The Respondent is a 24-year-old man who is a native and citizen of Turkey. He was placed in proceedings by the filing of his Notice to Appear on February 19, 2009. This has been designated as Exhibit 1. The Respondent has admitted the allegations and conceded removability.

The case was previously on the docket and it was continued to give the Respondent an opportunity to submit an

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IMMIGRATION COURT
SEATTLE, WASHINGTON

application for asylum. At the resumed master calendar hearing of this afternoon, the Respondent stated he did not want to make such a request.

Respondent has been convicted of rape in the third degree in the state of Washington. I understand that his conviction is on direct appeal, and I don't in any way base a decision of removability thereon.

The Respondent has requested a general continuance, because he is optimistic that Congress will pass "comprehensive Immigration reform" legislation, which would allow him to be able to remain in this country, presumably assuming that his conviction is not sustained.

In the alternative, the Respondent has requested Voluntary Departure. The Department has objected thereto, given what it believes to be the serious magnitude of the conviction, the fact that a jury found him guilty, and the reasoning on the basis of the request to continue.

While I find the Respondent statutorily eligible for Voluntary Departure, in that the conviction is not "final," I do believe that it is his burden to establish that he merits this form of consideration in the exercise of discretion. I have been advised by the parties that there is no issue of fact, and I accept the Department's further argument that the conviction under the statute would require something more than simply "statutory rape."

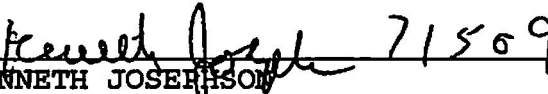
I take note that the Department has provided an overall evidence packet which has been marked and received as Exhibit 2, including the overall criminal information of record.

I find that the Respondent does not merit Voluntary Departure in the exercise of discretion, and I enter the following order.

ORDER

IT IS HEREBY ORDERED that the motion to further continue be denied.

IT IS FURTHER ORDERED that the request for Voluntary Departure be denied, on the basis of the criminal record information, and that the Respondent be removed to Turkey on the charge set forth in the Notice to Appear.


KENNETH JOSEPHSON
Immigration Judge

CERTIFICATE PAGE

I hereby certify that the attached proceeding before
KENNETH JOSEPHSON, in the matter of:

TURGUT TARHAN

A 88 737 523

Seattle, Washington

was held as herein appears, and that this is the original
transcript thereof for the file of the Executive Office for
Immigration Review.

Stephanie L. Congdon

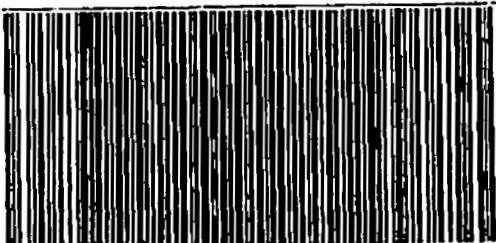
Stephanie L. Congdon, Transcriber

YORK STENOGRAPHIC SERVICES, INC.
34 North George Street
York, Pennsylvania 17401-1266
(717) 854-0077

June 29, 2009

Completion Date

zlc/ccb



02/19/2009
Case Appeal
Transcribed Oral 1
TARHAN, TURGUT

088-737-523

000





U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

SHARON A. HEALEY
9594 1st Ave., NE Suite 255
Seattle, WA 98115

Office of the District Counsel/SEA
1000 Second Avenue, Suite 2900
Seattle, WA 98104

Name: TARHAN, TURGUT

A088-737-523

Type of Proceeding: Removal

Date of this notice: 7/14/2009

Type of Appeal: Case Appeal

Appeal filed by: Alien

Date of Appeal: 6/4/2009

NOTICE -- BRIEFING SCHEDULE

- o Enclosed is a copy of the decision of the Immigration Judge.
- o Enclosed is a copy of the transcript of the testimony of record.
- o Appealing party is granted until 8/4/2009 to submit a brief to the Board of Immigration Appeals. The brief must be **RECEIVED** at the Board on or before this date.
- o Opposing party is granted until 8/25/2009 to submit a brief to the Board of Immigration Appeals. The brief must be **RECEIVED** at the Board on or before this date.

WARNING: If you indicated on the Notice of Appeal (Form EOIR-26) that you will file a brief or statement, you are expected to file a brief or statement in support of your appeal. If you fail to file the brief or statement within the time set for filing in this briefing schedule, the Board may summarily dismiss your appeal. See 8 C.F.R. § 1003.1(d)(2)(i)(E).

If you are an alien and you received this notice, you are not represented by an attorney or accredited representative. An attorney or accredited representative must file a Notice of Entry of Appearance (Form EOIR-27) to represent you. 8 C.F.R. §§ 1003.3(a)(3) and 1003.38(g). Until a Form-27 is received, you are responsible for submitting a brief, and any submissions by anyone other than you will be rejected.

FILING INSTRUCTIONS -- In General.

IMPORTANT: The Board of Immigration Appeals has included two copies of this notice. Please attach one copy of this notice to the front of your brief when you mail or deliver it to
chenrubs

the Board, and keep on records. Thank you for your cooperation.

A fee is not required for the filing of a brief. Your brief must be RECEIVED at the Clerk's Office at the Board of Immigration Appeals within the prescribed time limits. It is NOT sufficient simply to mail the brief and assume your brief will arrive on time. We strongly urge the use of an overnight courier service to ensure the timely filing of your brief.

Use of an over-night courier service is strongly encouraged to ensure timely filing.

If the alien is represented by counsel at the appeal level, a Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27) must be filed with the Board.

If you have any questions about how to file something at the Board, you should review the Board's Practice Manual and Questions and Answers at www.usdoj.gov/eoir.

Proof of service on the opposing party at the address above is required for ALL submissions to the Board of Immigration Appeals – including correspondence, forms, briefs, motions, and other documents. If you are the Respondent or Applicant, the "Opposing Party" is the District Counsel for the DHS at the address shown above. Your certificate of service must clearly identify the document sent to the opposing party, the opposing party's name and address, and the date it was sent to them. Any submission filed with the Board without a certificate of service on the opposing party will be rejected.

Filing Address:

To send by courier or overnight delivery service, or to deliver in person:

Board of Immigration Appeals,
Clerk's Office,
5107 Leesburg Pike, Suite 2000,
Falls Church, VA 22041

Business hours: Monday through Friday, 8:00 a.m. to 4:30 p.m.

To mail by regular first class mail:

Board of Immigration Appeals
Clerk's Office
P.O. Box 8530
Falls Church, VA 22041.

FILING INSTRUCTIONS -- Extension Request.

Unless you receive a Board Notice granting your extension request, your brief will remain due on the date stated above.

Extensions of briefing time will only be granted for good cause. All extension requests must be in writing. Telephonic or fax requests will not be accepted.

Extension requests must be RECEIVED at the Board on or before the expiration of the initial briefing schedule. Requests for extension of briefing time received after expiration of the initial briefing period, will not be granted.

The policy of the Board is that no additional extensions will be granted.

chenning

088-737-523



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
SEATTLE, WA

Jun 10, 2009

A 088-737-523
TARHAN, TURGUT

TO: Board of Immigration Appeals
Office of the Clerk
P.O. Box 8530
Falls Church, VA 22041

This Record of Proceeding (ROP) is forwarded to the Board of Immigration Appeals for consideration of the following:

- Appeal of the Immigration Judge decision.
- Appeal of Immigration Judge decision on a motion to reopen.

Please note:

- The respondent / applicant is DETAINED.
- Other _____

This ROP is for an appeal on a decision entered prior to July 1, 1996. This ROP is being submitted to APU at the following stage:

- Notice of Appeal filed. DAR needs to be transcribed.
- IJ has signed decision. Briefing schedule needs to be set.
- Motion for Extension of Time to Extend Briefing Schedule has been submitted.
- Briefing Schedule is complete / expired.

PZ



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

SHARON A. HEALEY
9594 1st Ave., NE Suite 255
Seattle, WA 98115

Office of the District Counsel/SEA
1000 Second Avenue, Suite 2900
Seattle, WA 98104

Name: TARHAN, TURGUT

A088-737-523

Type of Proceeding: Removal

Date of this notice: 6/4/2009

Type of Appeal: Case Appeal

Filed by: Alien

FILING RECEIPT FOR APPEAL

The Board of Immigration Appeals acknowledges receipt of your appeal and fee or fee waiver request (where applicable) on 6/4/2009 in the above-referenced case.

PLEASE NOTE:

In all future correspondence or filings with the Board, please list the name and alien registration number ("A" number) of the case (as indicated above), as well as all of the names and "A" numbers for every family member who is included in this appeal.

If you have any questions about how to file something at the Board, you should review the Board's Practice Manual and Questions and Answers at www.usdoj.gov/eoir.

Proof of service on the opposing party at the address above is required for ALL submissions to the Board of Immigration Appeals -- including correspondence, forms, briefs, motions, and other documents. If you are the Respondent or Applicant, the "Opposing Party" is the District Counsel for the DHS at the address shown above. Your certificate of service must clearly identify the document sent to the opposing party, the opposing party's name and address, and the date it was sent to them. Any submission filed with the Board without a certificate of service on the opposing party will be rejected.

WARNING: If you leave the United States after filing this appeal but before the Board issues a decision, your appeal will be considered withdrawn and the Immigration Judge's decision will become final as if no appeal had been taken (unless you are an "arriving alien" as defined in the regulations under 8 C.F.R. section 1001.1(q)).

chennubs

LAW OFFICE OF SHARON A. HEALEY
9594 1st Ave., NE Suite 255
Seattle, WA 98115
Phone (206) 257-0294
E-Mail asylum@sharonhealeylaw.com

June 3, 2009

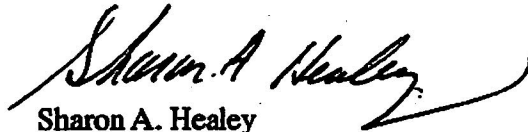
Board of Immigration Appeals
Office of the Clerk
5107 Leesburg Pike Suite 2000
Falls Church VA 22041

Re: Turgut Tarhan A 088-737-523

To Whom It May Concern:

Enclosed please find my Notice of Entry of Appearance, Notice of Appeal and filing fee for the above-referenced person.

Very truly yours,


Sharon A. Healey

SAH/bms

Enc.

BOARD OF
IMMIGRATION APPEALS
OFFICE OF THE CLERK

2009 JUN -4 P 12: 51

RECEIVED
DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW

1. List Name(s) and "A" Number(s) of all Respondent(s)/Applicant(s):

Targ. Tahan A088 737-523

Staple Check or Money Order Here. Include Name(s) and "A" Number(s) on the face of the check or money order.

For Official Use Only

WARNING: Names and "A" Numbers of everyone appealing the Immigration Judge's decision must be written in item #1. The names and "A" numbers listed will be the only ones considered to be the subjects of the appeal.

2. I am the Respondent/Applicant DHS-ICE (Mark only one box.)

3. I am DETAINED NOT DETAINED (Mark only one box.)

4. My last hearing was at 5-5-09, Seattle LA (Location, City, State)

5. What decision are you appealing?

Mark only one box below. If you want to appeal more than one decision, you must use more than one Notice of Appeal (Form EOIR-26).

I am filing an appeal from the Immigration Judge's decision *in merits proceedings* (example: removal, deportation, exclusion, asylum, etc.) dated 5-5-09.

I am filing an appeal from the Immigration Judge's decision *in bond proceedings* dated _____ (For DHS use only: Did DHS invoke the automatic stay provision before the Immigration Court? Yes. No.)

I am filing an appeal from the Immigration Judge's decision *denying a motion to reopen or a motion to reconsider* dated _____.

(Please attach a copy of the Immigration Judge's decision that you are appealing.)

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DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW
2009 JUN -4 P 12:51
BOARD OF
IMMIGRATION APPEALS
OFFICE OF THE CLERK

Tarqut Taha - A088 - 787-523

6. State in detail the reason(s) for this appeal. Please refer to the General Instructions at item F for further guidance. You are not limited to the space provided below; use more sheets of paper if necessary. Write your name(s) and "A" number(s) on every sheet.

The immigration judge erred in denying respondents voluntary departure and/or a continuance until appeal of his criminal case ~~while~~ it is completed

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EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW
2009 JUN -4 P 12:51
BOARD OF
IMMIGRATION APPEALS
OFFICE OF THE CLERK

(Attach additional sheets if necessary)

! WARNING: You must clearly explain the specific facts and law on which you base your appeal of the Immigration Judge's decision. The Board may summarily dismiss your appeal if it cannot tell from this Notice of Appeal, or any statements attached to this Notice of Appeal, why you are appealing.

7. Do you desire oral argument before the Board of Immigration Appeals? Yes No
8. Do you intend to file a separate written brief or statement after filing this Notice of Appeal? Yes No

! WARNING: If you mark "Yes" in item #8, you will be expected to file a written brief or statement after you receive a briefing schedule from the Board. The Board may summarily dismiss your appeal if you do not file a brief or statement within the time set in the briefing schedule.

9. **SIGN HERE** 

X *Shawn A. Whaley*
Signature of Person Appealing
(or attorney or representative)

6-2-09
Date

10.

Mailing Address of Respondent(s)/Applicant(s)

Tarhan Turget
(Name)

(Street Address)

7343 19th Ave NE
(Apartment or Room Number)

Seattle WA 98115
(City, State, Zip Code)

(206) 257-0294
(Telephone Number)

11.

Mailing Address of Attorney or Representative for the Respondent(s)/Applicant(s)

Shawn A. Healey
(Name)

9524 1st Ave NE Ste 255
(Street Address)

255
(Suite or Room Number)

Seattle WA 98115
(City, State, Zip Code)

(206) 257-0294
(Telephone Number)


NOTE: You must notify the Board within five (5) working days if you move to a new address. You must use an alien's Change of Address Form (Form EOIR-33/BIA).

NOTE: If an attorney or representative signs this appeal for you, he or she must file with this appeal a Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals (Form EOIR-27).

12.

PROOF OF SERVICE (You Must Complete This)

I Shawn A. Healey (Name) mailed or delivered a copy of this Notice of Appeal on 5-3-07 (Date) to ICE (Opposing Party) at 1100 Second Ave St. 2900 Seattle WA 98101 (Number and Street, City, State, Zip Code)

 X Shawn A. Healey Signature

NOTE: If you are the Respondent or Applicant, the "Opposing Party" is the Assistant Chief Counsel of DHS - ICE.

WARNING: If you do not complete this section properly, your appeal will be rejected or dismissed.

WARNING: If you do not attach the fee or a completed Fee Waiver Request (Form EOIR-26A) to this appeal, your appeal may be rejected or dismissed.

HAVE YOU?

- Read all of the General Instructions
- Provided all of the requested information
- Completed this form in English
- Provided a certified English translation for all non-English attachments
- Signed the form
- Served a copy of this form and all attachments on the opposing party
- Completed and signed the Proof of Service
- Attached the required fee or Fee Waiver Request
- If represented by attorney or representative, attach a completed and signed EOIR-27

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
IMMIGRATION COURT
1000 SECOND AVENUE SUITE 2500
SEATTLE, WA 98104

In the Matter of:
TARHAN, TURGUT

Case No.: A088-737-523

Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on May 5, 2009.

This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

- The respondent was ordered removed from the United States to _____ or in the alternative to _____.
- Respondent's application for voluntary departure was denied and respondent was ordered removed to TURKEY or in the alternative to _____.
- Respondent's application for voluntary departure was granted until _____ upon posting a bond in the amount of \$ _____ with an alternative order of removal to _____.

Respondent's application for:

- Asylum was granted denied withdrawn other.
- Withholding of removal was granted denied withdrawn other.
- Respondent's application for withholding of removal deferral of removal under Article III of the Convention Against Torture was granted denied withdrawn other.
- A Waiver under section _____ was granted denied withdrawn other.
- Cancellation of removal under section 240A(a) was granted denied withdrawn other.

Respondent's application for:

- Cancellation under section 240A(b)(1) was granted denied withdrawn other. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- Cancellation under section 240A(b)(2) was granted denied withdrawn other. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- Adjustment of Status under section _____ was granted denied withdrawn other. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's status was rescinded under section 246.
- Respondent is admitted to the United States as a _____ until _____.
- As a condition of admission, respondent is to post a \$ _____ bond.
- Respondent knowingly filed a frivolous asylum application after proper notice.
- Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.
- Proceedings were terminated.
- Other: _____

Date: May 5, 2009

Kenneth Josephson
Kenneth Josephson
Immigration Judge

Appeal: WAIVED / RESERVED (A/R/B)
Appeal due by: 05/09

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P) FAX (F)
TO: ALIEN ALIEN c/o Custodial Officer ALIEN's ATT/REP DHS
DATE: 5/5/09 BY: COURT STAFF # KLK
Attachments: EOIR-33 EOIR-28 Legal Services List Other Q6

LAW OFFICE OF SHARON A. HEALEY
9594 1st Ave., NE Suite 255
Seattle, WA 98115
Phone (206) 257-0294
E-Mail asylum@sharonhealeylaw.com

June 3, 2009

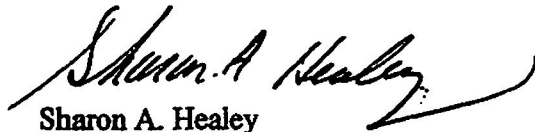
Board of Immigration Appeals
Office of the Clerk
5107 Leesburg Pike Suite 2000
Falls Church VA 22041

Re: Turgut Tarhan A 088-737-523

To Whom It May Concern:

Enclosed please find my Notice of Entry of Appearance, Notice of Appeal and filing fee for the above-referenced person.

Very truly yours,


Sharon A. Healey

SAH/bms

Enc.

Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals

I hereby enter my appearance as attorney or representative for, and at the request of, the following named person:

NAME: Tugut Tasha _____
 (First) (Middle Initial) (Last)

ADDRESS: 7345 1st Ave NE _____
 (Number and Street) (Apt. No.)

Seattle WA 98115
 (City) (State) (Zip Code)

DATE (mm/dd/yy): _____

ALIEN NUMBER(S) (List lead alien number and all family member alien numbers and names, if applicable. Continue on next page as needed.)

A 087737523

For a disciplinary case, check box and write in case number in space above.

Please check one of the following:

1. I am a member in good standing of the bar of the highest court(s) of the following state(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia:

Full Name of Court

State Bar No. (if applicable)

CA Superior Ct

CA 138002

(Please use space on reverse side to list additional jurisdictions.)

I am not (or am - explain fully on reverse side) subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law and the courts listed above comprise all of the jurisdictions (other than federal courts) where I am licensed to practice law.

2. I am an accredited representative of the following qualified non-profit religious, charitable, social service or similar organization established in the United States, so recognized by the Executive Office for Immigration Review pursuant to 8 C.F.R. § 1292.2 (provide name of organization and expiration date of accreditation):

3. I am a law student or law graduate, reputable individual, accredited official, or other person authorized to represent individuals pursuant to 8 C.F.R. § 1292.1 (explain fully on reverse side).

I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representation before the Board of Immigration Appeals. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

SIGNATURE OF ATTORNEY OR REPRESENTATIVE

EOIR ID#

DATE (mm/dd/yy)

Sharon A. Healey

5/3/07

NAME OF ATTORNEY OR REPRESENTATIVE (type or print)

ADDRESS

Check here if new address

Sharon A. Healey

9594 1st Ave NE Ste 255
Seattle WA 98115

PHONE NUMBER (with area code)

FAX NUMBER (with area code)

(206) 257-0294

Proof of Service

Shawn A. Healey
(Name)

mailed or delivered a copy of the foregoing Form EOIR-27 on 5-3-07
(Date-mm/dd/yy)

to the DHS (U.S. Immigration and Customs Enforcement - ICE) at 1000 Second Ave Ste 2900
(Number and Street, City, State, Zip Code)

Seattle WA 98115

X Shawn A. Healey
Signature of Attorney or Representative

APPEARANCES - An appearance shall be filed on a Form EOIR-27 by the attorney or representative appearing in each appeal or motion to reopen or motion to reconsider before the Board of Immigration Appeals (see 8 C.F.R. § 1003.38(g)), even though the attorney or representative may have appeared in the case before the Immigration Judge or the U.S. Citizenship and Immigration Services. When an appearance is made by a person acting in a representative capacity, his/her personal appearance or signature constitutes a representation that, under the provisions of 8 C.F.R. part 1003, he/she is authorized and qualified to represent individuals. Thereafter, substitution or withdrawal may be permitted upon the approval of the Board of a request by the attorney or representative of record in accordance with *Matter of Rosales*, 19 I&N Dec. 655 (1988). Please note that appearances for limited purposes are not permitted. See *Matter of Velasquez*, 19 I&N Dec. 377, 384 (BIA 1986). Further proof of authority to act in a representative capacity may be required.

REPRESENTATION - A person entitled to representation may be represented by any of the following:

- (1) Attorneys in the United States as defined in 8 C.F.R. § 1001.1(f).
- (2) Law students and law graduates not yet admitted to the bar as defined in 8 C.F.R. § 1292.1(a)(2).
- (3) Reputable individuals as defined in 8 C.F.R. § 1292.1(a)(3).
- (4) Accredited representatives as defined in 8 C.F.R. § 1292.1(a)(4).
- (5) Accredited officials as defined in 8 C.F.R. § 1292.1(a)(5).

All representatives must comply with the specific requirements to represent aliens before the Board of Immigration Appeals. For more information on the requirements, see 8 C.F.R. § 1292.1 and the particular subsections referenced above as applicable. Note that law students and law graduates must submit additional materials pursuant to 8 C.F.R. § 1292.1(a)(2).

FREEDOM OF INFORMATION ACT - This form may not be used to request records under the Freedom of Information Act or the Privacy Act. The manner of requesting such records is contained in 28 C.F.R. §§ 16.1 - 16.11 and appendices. For further information about requesting records from the EOIR under the Freedom of Information Act, see *How to File a Freedom of Information Act (FOIA) Request With the Executive Office for Immigration Review*, available through the EOIR's website at <http://www.usdoj.gov/eoir>.

CASES BEFORE THE EOIR - Automated information about cases before the EOIR is available by calling 1-800-898-7180.

ADDITIONAL INFORMATION:

RECEIVED
DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW
2009 JUN -4 P 12:51
BOARD OF
IMMIGRATION APPEALS
OFFICE OF THE CLERK

(Please attach additional sheets of paper if necessary.)

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete this form is six (6) minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

1. List Name(s) and "A" Number(s) of all Respondent(s)/Applicant(s):

Tarqut Tadan A087 737-523

Staple Check or Money Order Here. Include Name(s) and "A" Number(s) on the face of the check or money order.

WARNING: Names and "A" Numbers of everyone appealing the Immigration Judge's decision must be written in item #1. The names and "A" numbers listed will be the only ones considered to be the subject of the appeal.

For Official Use Only

RECEIVED
OFFICE OF JUSTICE
FOR
IMMIGRATION
REVIEW
MAY 11 2009
-U P 12:51
BOARD OF APPEALS
OF THE CLERK

2. I am the Respondent/Applicant DHS-ICE (Mark only one box.)

3. I am DETAINED NOT DETAINED (Mark only one box.)

4. My last hearing was at 5-5-09, Seattle WA (Location, City, State)

5. What decision are you appealing?

Mark only one box below. If you want to appeal more than one decision, you must use more than one Notice of Appeal (Form EOIR-26).

I am filing an appeal from the Immigration Judge's decision *in merits proceedings* (example: removal, deportation, exclusion, asylum, etc.) dated 5-5-09.

I am filing an appeal from the Immigration Judge's decision *in bond proceedings* dated _____ (For DHS use only: Did DHS invoke the automatic stay provision before the Immigration Court? Yes. No.)

I am filing an appeal from the Immigration Judge's decision *denying a motion to reopen or a motion to reconsider* dated _____.

(Please attach a copy of the Immigration Judge's decision that you are appealing.)

8686 4057 0855

0200

Form 0101
FedEx Retrieval Copy

1 From Sender's FedEx Account Number
Date 6-3-09

Sender's Name Sharon Healey Phone 866 251 6194

Company Law Office of Sullivan & Sons

Address 9594 Lee Ave NE Ste 251

City Salem State VA ZIP 24155

2 Your Internal Billing Reference

3 To Recipient's Name Clerks Office Phone

Company Board of Training & Apprentices

Recipient's Address 5109 Leesburg Pike # 2000

City Falls Church State VA ZIP 22041



8686 4057 0855

4a Express Package Service Packages up to 150 lbs.

FedEx Priority Overnight 5 FedEx Standard Overnight 6 FedEx First Overnight
FedEx First Overnight delivery is subject to carrier availability. Delivery to select locations may require a signature.

FedEx 2Day 20 FedEx Express Saver
FedEx 2Day delivery is subject to carrier availability. Delivery to select locations may require a signature. FedEx Express Saver delivery is subject to carrier availability. Delivery to select locations may require a signature.

4b Express Freight Service Packages over 150 lbs.

FedEx 1Day Freight 8 FedEx 2Day Freight 83 FedEx 3Day Freight
FedEx 1Day Freight delivery is subject to carrier availability. Delivery to select locations may require a signature. FedEx 2Day Freight and FedEx 3Day Freight delivery is subject to carrier availability. Delivery to select locations may require a signature.

5 Packaging FedEx Pak 2 FedEx Pak 3 FedEx Box 4 FedEx Tube 1 Other
FedEx Pak and FedEx Tube are subject to carrier availability. Delivery to select locations may require a signature.

6 Special Handling HOLD Saturday at FedEx Location 31 HOLD Saturday at FedEx Location 31
HOLD Saturday at FedEx Location delivery is subject to carrier availability. Delivery to select locations may require a signature.

No 4 Yes 6 Dry Ice 6 Dry Ice 6
Dry Ice delivery is subject to carrier availability. Delivery to select locations may require a signature.

7 Payment Bill Me 3 Recipient 3 Third Party 4 Credit Card 5 Cash/Check
Payment must be received by the carrier at the time of delivery. Delivery to select locations may require a signature.

Total Packages _____ Total Weight _____

8 Residential Delivery Signature Options

No Signature Required 10 Direct Signature 34 Indirect Signature 520

Indirect Signature requires a signature at the recipient's address, someone at a participating address may sign for delivery, see applicable restrictions for delivery.

Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals

I hereby enter my appearance as attorney or representative for, and at the request of, the following named person:

DATE (mm/dd/yy): _____

ALIEN NUMBER(S) (List lead alien number and all family member alien numbers and names, if applicable. Continue on next page as needed.)

NAME: Turgut Tashan
 (First) (Middle Initial) (Last)

ADDRESS: 7343 19th Ave NE
 (Number and Street) (Apt. No.)

Seattle WA 98115
 (City) (State) (Zip Code)

A 088737523

For a disciplinary case, check box and write in case number in space above.

Please check one of the following:

1. I am a member in good standing of the bar of the highest court(s) of the following state(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia:

Full Name of Court: CA Superior Ct State Bar No. (if applicable): CA 138002

(Please use space on reverse side to list additional jurisdictions.)

I am not (or am - explain fully on reverse side) subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law and the courts listed above comprise all of the jurisdictions (other than federal courts) where I am licensed to practice law.

2. I am an accredited representative of the following qualified non-profit religious, charitable, social service, or similar organization established in the United States, so recognized by the Executive Office for Immigration Review pursuant to 8 C.F.R. § 1292.2 (provide name of organization and expiration date of accreditation):

3. I am a law student or law graduate, reputable individual, accredited official, or other person authorized to represent individuals pursuant to 8 C.F.R. § 1292.1 (explain fully on reverse side).

RECEIVED
 DEPARTMENT OF JUSTICE
 EXECUTIVE OFFICE FOR
 IMMIGRATION REVIEW
 JUN 14 12:51
 BOARD OF
 IMMIGRATION APPEALS
 OFFICE OF THE CLERK

I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representation before the Board of Immigration Appeals. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

SIGNATURE OF ATTORNEY OR REPRESENTATIVE: Sharon A. Henley EOIR ID#: _____ DATE (mm/dd/yy): 5/3/02

NAME OF ATTORNEY OR REPRESENTATIVE (type or print): Sharon A. Henley ADDRESS: 9594 1st Ave NE Ste 205 Check here if new address
Seattle WA 98115

PHONE NUMBER (with area code): (206) 257-0294 FAX NUMBER (with area code): _____

Proof of Service

I Shm. A. Healey (Name) mailed or delivered a copy of the foregoing Form EOIR-27 on 5-3-07 (Date-mm/dd/yy)

to the DHS (U.S. Immigration and Customs Enforcement - ICE) at 1000 Second Ave Ste 2900 (Number and Street, City, State, Zip Code)

Seattle WA 98115

X Shm. A. Healey Signature of Attorney or Representative

APPEARANCES - An appearance shall be filed on a Form EOIR-27 by the attorney or representative appearing in each appeal or motion to reopen or motion to reconsider before the Board of Immigration Appeals (see 8 C.F.R. § 1003.38(g)), even though the attorney or representative may have appeared in the case before the Immigration Judge or the U.S. Citizenship and Immigration Services. When an appearance is made by a person acting in a representative capacity, his/her personal appearance or signature constitutes a representation that, under the provisions of 8 C.F.R. part 1003, he/she is authorized and qualified to represent individuals. Thereafter, substitution or withdrawal may be permitted upon the approval of the Board of a request by the attorney or representative of record in accordance with *Matter of Rosales*, 19 I&N Dec. 655 (1988). Please note that appearances for limited purposes are not permitted. See *Matter of Velasquez*, 19 I&N Dec. 377, 384 (BIA 1986). Further proof of authority to act in a representative capacity may be required.

REPRESENTATION - A person entitled to representation may be represented by any of the following:

- (1) Attorneys in the United States as defined in 8 C.F.R. § 1001.1(f).
- (2) Law students and law graduates not yet admitted to the bar as defined in 8 C.F.R. § 1292.1(a)(2).
- (3) Reputable individuals as defined in 8 C.F.R. § 1292.1(a)(3).
- (4) Accredited representatives as defined in 8 C.F.R. § 1292.1(a)(4).
- (5) Accredited officials as defined in 8 C.F.R. § 1292.1(a)(5).

All representatives must comply with the specific requirements to represent aliens before the Board of Immigration Appeals. For more information on the requirements, see 8 C.F.R. § 1292.1 and the particular subsections referenced above as applicable. Note that law students and law graduates must submit additional materials pursuant to 8 C.F.R. § 1292.1(a)(2).

FREEDOM OF INFORMATION ACT - This form may not be used to request records under the Freedom of Information Act or the Privacy Act. The manner of requesting such records is contained in 28 C.F.R. §§ 16.1 - 16.11 and appendices. For further information about requesting records from the EOIR under the Freedom of Information Act, see How to File a Freedom of Information Act (FOIA) Request With the Executive Office for Immigration Review, available through the EOIR's website at <http://www.usdoj.gov/eoir>.

CASES BEFORE THE EOIR - Automated information about cases before the EOIR is available by calling 1-800-898-7180.

ADDITIONAL INFORMATION:

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DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW
JUN - 4 P 12:51
BOARD OF
IMMIGRATION APPEALS
OFFICE OF THE CLERK

(Please attach additional sheets of paper if necessary.)

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete this form is six (6) minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

CONCLUSION

OF

PROCEEDING

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
IMMIGRATION COURT
1000 SECOND AVENUE SUITE 2500
SEATTLE, WA 98104

In the Matter of:
TARHAN, TURGUT
Respondent

Case No.: A088-737-523

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on May 5, 2009.
This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

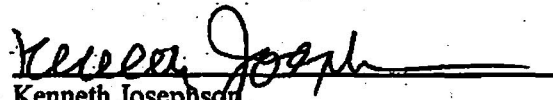
- The respondent was ordered removed from the United States to _____ or in the alternative to _____.
- Respondent's application for voluntary departure was denied and respondent was ordered removed to TURKEY or in the alternative to _____.
- Respondent's application for voluntary departure was granted until _____ upon posting a bond in the amount of \$ _____ with an alternative order of removal to _____.

Respondent's application for:

- Asylum was () granted () denied () withdrawn () other.
- Withholding of removal was () granted () denied () withdrawn () other.
- Respondent's application for [] withholding of removal [] deferral of removal under Article III of the Convention Against Torture was () granted () denied () withdrawn () other.
- A Waiver under section _____ was () granted () denied () withdrawn () other.
- Cancellation of removal under section 240A(a) was () granted () denied () withdrawn () other.

Respondent's application for:

- Cancellation under section 240A(b)(1) was () granted () denied () withdrawn () other. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- Cancellation under section 240A(b)(2) was () granted () denied () withdrawn () other. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- Adjustment of Status under section _____ was () granted () denied () withdrawn () other. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's status was rescinded under section 246.
- Respondent is admitted to the United States as a _____ until _____.
- As a condition of admission, respondent is to post a \$ _____ bond.
- Respondent knowingly filed a frivolous asylum application after proper notice.
- Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.
- Proceedings were terminated.
- Other: _____
- Date: May 5, 2009


Kenneth Josephson
Immigration Judge

Appeal: WAIVED / RESERVED (A) / (B)

Appeal due by: 09/09

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P) FAX (F)
TO: [] ALIEN [] ALIEN c/o Custodial Officer [X] ALIEN's ATT/REP [] DHS
DATE: 5/5/09 BY: COURT STAFF [X] RLF [] R
Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other Q6

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

Seattle, Washington

File A 88 737 523

Date: May 5, 2009

In the Matter of

TURGUT TARHAN

Respondent

)
)
)
)

IN REMOVAL PROCEEDINGS

CHARGE: Failure to comply with conditions of admission

APPLICATION: Request for Voluntary Departure

APPEARANCES:

ON BEHALF OF RESPONDENT:

Lauren Barr, Esquire

ON BEHALF OF THE DEPARTMENT
OF HOMELAND SECURITY:

Robert F. Peck, Esquire

ORAL DECISION OF THE IMMIGRATION JUDGE

The Respondent is a 24-year-old man who is a native and citizen of Turkey. He was placed in proceedings by the filing of his Notice to Appear on February 19, 2009. This has been designated as Exhibit 1. The Respondent has admitted the allegations and conceded removability.

The case was previously on the docket and it was continued to give the Respondent an opportunity to submit an

application for asylum. At the resumed master calendar hearing of this afternoon, the Respondent stated he did not want to make such a request.

Respondent has been convicted of rape in the third degree in the state of Washington. I understand that his conviction is on direct appeal, and I don't in any way base a decision of removability thereon.

The Respondent has requested a general continuance, because he is optimistic that Congress will pass "comprehensive Immigration reform" legislation, which would allow him to be able to remain in this country, presumably assuming that his conviction is not sustained.

In the alternative, the Respondent has requested Voluntary Departure. The Department has objected thereto, given what it believes to be the serious magnitude of the conviction, the fact that a jury found him guilty, and the reasoning on the basis of the request to continue.

While I find the Respondent statutorily eligible for Voluntary Departure, in that the conviction is not "final," I do believe that it is his burden to establish that he merits this form of consideration in the exercise of discretion. I have been advised by the parties that there is no issue of fact, and I accept the Department's further argument that the conviction under the statute would require something more than simply "statutory rape."

I take note that the Department has provided an overall evidence packet which has been marked and received as Exhibit 2, including the overall criminal information of record.

I find that the Respondent does not merit Voluntary Departure in the exercise of discretion, and I enter the following order.

ORDER

IT IS HEREBY ORDERED that the motion to further continue be denied.

IT IS FURTHER ORDERED that the request for Voluntary Departure be denied, on the basis of the criminal record information, and that the Respondent be removed to Turkey on the charge set forth in the Notice to Appear.

KENNETH JOSEPHSON
Immigration Judge

CERTIFICATE PAGE

I hereby certify that the attached proceeding before
KENNETH JOSEPHSON, in the matter of:

TURGUT TARHAN

A 88 737 523

Seattle, Washington

was held as herein appears, and that this is the original
transcript thereof for the file of the Executive Office for
Immigration Review.

Stephanie L. Congdon

Stephanie L. Congdon, Transcriber

YORK STENOGRAPHIC SERVICES, INC.
34 North George Street
York, Pennsylvania 17401-1266
(717) 854-0077

June 29, 2009

Completion Date

zlc/ccb

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

In the Matter of

File A 88 737 523

TURGUT TARHAN

Respondent

)
)
)
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IN REMOVAL PROCEEDINGS

TRANSCRIPT OF HEARING

Before KENNETH JOSEPHSON, Immigration Judge

Date: April 28, 2009

Place: Seattle, Washington

Transcribed by:

YORK STENOGRAPHIC SERVICES, INC.,
at York, Pennsylvania

Official Interpreter:

Language:

APPEARANCES:

ON BEHALF OF THE RESPONDENT:

Lauren Barr, Esquire

ON BEHALF OF THE DEPARTMENT OF
HOMELAND SECURITY:

Robert F. Peck, Esquire

1 JUDGE FOR THE RECORD

2 This is Immigration Judge Kenneth Josephson sitting at
3 Seattle. Today's date is April 28, 2009.

4 JUDGE TO CLERK

5 Would the court clerk identify herself?

6 CLERK TO JUDGE

7 Godwai [phonetic spelling] Bentley.

8 JUDGE TO DHS COUNSEL

9 Would the trial attorney identify himself?

10 MR. PECK TO JUDGE

11 Robert Peck on behalf of Immigration and Customs
12 Enforcement.

13 JUDGE FOR THE RECORD

14 I have case 88 737 523, Turgut Tarhan. This person, I
15 realize, is not physically with us as yet. Ms. Barr, his
16 attorney, is. Ms. Barr has another court appointment later this
17 morning, and my understanding that -- well, let me just have Ms.
18 Barr introduce herself.

19 JUDGE TO MS. BARR

20 Lauren Barr, attorney for the Respondent.

21 JUDGE TO MS. BARR

22 And, ma'am, you concede proper service of the Notice to
23 appear. You waive a reading of the allegations. You admit the
24 allegations. You concede removability. You decline to designate
25 a country of removal?

1 MS. BARR TO JUDGE

2 Yes.

3 JUDGE TO MS. BARR

4 You have told me that you want to see if the client can
5 get reinstated back as a student. Mr. Peck said that he was
6 opposing your effort to continue the case for that purpose. I
7 indicated that I was not going to grant a continuance for that
8 purpose. At that point you said you wanted to turn in an I-589.
9 You've agreed to have the hearing reset for May 5 at one o'clock
10 so I can receive the I-589?

11 MS. BARR TO JUDGE

12 Yes.

13 JUDGE TO MS. BARR

14 Now, the Notice to Appear is Exhibit 1. And the
15 Department has given us an evidence packet which is Exhibit 4.
16 Exhibit 2 will be the I-589. Exhibit 3 will be the country
17 report.

18 JUDGE TO COUNSEL

19 Does either attorney have anything else?

20 MS. BARR TO JUDGE

21 Nothing from the Respondent.

22 MR. PECK TO JUDGE

23 Is the Respondent not admitting and conceding at this
24 time?

25 JUDGE TO MR. PECK

1 I thought I covered that he admitted the allegations,
2 conceded removability, declined to designate a country of removal.

3 MS. BARR TO JUDGE

4 Yes.

5 JUDGE TO COUNSEL

6 Anything else?

7 MS. BARR TO JUDGE

8 Nothing further.

9 JUDGE TO COUNSEL

10 Thank you.

11 HEARING CONTINUED

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

In the Matter of

File A 88 737 523

TURGUT TARHAN

Respondent

)
)
)
)

IN REMOVAL PROCEEDINGS

TRANSCRIPT OF HEARING

Before KENNETH JOSEPHSON, Immigration Judge

Date: May 5, 2009

Place: Seattle, Washington

Transcribed by:

YORK STENOGRAPHIC SERVICES, INC.
at York, Pennsylvania

Official Interpreter:

Language:

APPEARANCES:

ON BEHALF OF THE RESPONDENT:

Lauren Barr, Esquire

ON BEHALF OF THE DEPARTMENT OF
HOMELAND SECURITY:

Robert F. Peck, Esquire

1 JUDGE FOR THE RECORD

2 This is Immigration Judge Kenneth Josephson sitting at
3 Seattle. Today's date is May 5, 2009.

4 JUDGE TO CLERK

5 Would the court clerk identify herself?

6 CLERK TO JUDGE

7 Carrie Fahrens [phonetic spelling].

8 JUDGE TO DHS COUNSEL

9 Would the trial attorney identify himself?

10 MR. PECK TO JUDGE

11 Robert Peck.

12 JUDGE FOR THE RECORD

13 I have case 88 737 523, Turgut Tarhan.

14 JUDGE TO RESPONDENT

15 You're present?

16 RESPONDENT TO JUDGE

17 Yes, sir.

18 JUDGE TO MS. BARR

19 And, Ms. Barr, would you identify yourself?

20 MS. BARR TO JUDGE

21 Lauren Barr, attorney for the Respondent.

22 JUDGE FOR THE RECORD

23 And this is a case that we previously worked on, and the
24 situation is that you...

25 MR. PECK TO JUDGE

1 What's the last name.

2 JUDGE TO MR. PECK

3 This is case 523, Mr. Peck.

4 JUDGE TO MS. BARR

5 This is a case in which you admitted the allegations,
6 conceded removability. We had some discussion about seeking
7 another student visa for him, and I said I wouldn't continue the
8 case for that purpose. The Respondent does have a criminal
9 record. The case was continued most recently to give him a chance
10 to apply for asylum, and you told me that he does not want to
11 apply for asylum. So I assume he is now designating Turkey?

12 MS. BARR TO JUDGE

13 Yes.

14 JUDGE TO MS. BARR

15 And you are asking me to indefinitely continue the case
16 because you are optimistic the Congress will pass "comprehensive
17 Immigration reform legislation", and I've indicated to you that
18 I'm not prepared to grant that request to continue either.

19 MS. BARR TO JUDGE

20 Correct.

21 JUDGE TO MS. BARR

22 Now, as I understand it, the Respondent is currently
23 appealing the conviction.

24 MS. BARR TO JUDGE

25 That's right.

1 JUDGE TO MR. PECK

2 And what is your point of view on the request for
3 Voluntary Departure?

4 MR. PECK TO JUDGE

5 Your Honor, he's charged with what would be an
6 aggravated felony. A jury has found him to be guilty. He has
7 exercised his right of appeal. I would ask the court as a matter
8 of discretion, and in particular, considering the meritless nature
9 of the request for continuance additionally, to deny him as a
10 matter of discretion, the relief of Voluntary Departure.
11 Respondent intends to appeal anyway, so I don't see why we should
12 reward him with Voluntary Departure.

13 JUDGE TO MR. PECK

14 Counsel, is -- I mean, correct me if I'm wrong, but he
15 was charged with rape second and then he was convicted of rape
16 third. So I don't think it's an aggravated felony under Ninth
17 Circuit case law.

18 MR. PECK TO JUDGE

19 I believe it is, Your Honor. It's not statutory rape.
20 It's rape third, and that is a non-consensual rape.

21 JUDGE TO MR. PECK

22 Does somebody have the charging document in the criminal
23 case? I mean, I...

24 MR. PECK TO JUDGE

25 No, Your Honor, I don't know that I do, but I can tell

1 the Court, and I can go online here in a second and I can tell you
2 that rape in the third degree, if the victim has manifested a
3 refusal and then the defendant has proceeded to engage in the
4 crime nevertheless, so if the Court wants one minute, I'll be
5 happy to get that up.

6 JUDGE TO MS. BARR

7 Now, Ms. Barr, is there anything you want to say with
8 regard to why he should be given Voluntary Departure when -- I
9 mean, he was clearly convicted of a, in my opinion, a serious
10 matter here. I understand the case is on direct appeal, so I
11 can't find him removable on this, but there is the element of
12 discretion, and the terms of making a request.

13 MS. BARR TO JUDGE

14 Well, and it's their opinion that it was consensual, and
15 it's on appeal. And if he -- if the appeal is sustained, then he
16 won't have had the conviction. So then he would be eligible for
17 maybe any new comprehensive immigration reform that comes along
18 this year.

19 JUDGE TO MS. BARR

20 Even if he gets an Order of Removal, if he is still
21 appealing his case, it'll still be remanded because at this point
22 we don't know what the criminal court will do.

23 MS. BARR TO JUDGE

24 That's right.

25 MR. PECK TO JUDGE

1 When the Court's ready, I have that.

2 JUDGE TO MR. PECK

3 Go ahead.

4 MR. PECK TO JUDGE

5 A person is guilty of rape in the third degree when
6 under circumstances not constituting rape in the first or second
7 degrees, and the person engages in sexual intercourse with another
8 person not married to the perpetrator. A, where the victims did
9 not consent, as defined in 9A.44.010(7), sexual with the
10 perpetrator and such lack of consent was clearly expressed by the
11 victim's words or conduct. And the alternate would be where there
12 was substantial harmful threat to the property rights of the
13 victim. And I don't think that that's what even the Respondent
14 claims to be the charge.

15 JUDGE TO MS. BARR

16 Ms. Barr, is there any issue of fact?

17 MS. BARR TO JUDGE

18 No.

19 JUDGE TO COUNSEL

20 All right, Counsel, I will do the oral decision.

21 [JUDGE RENDERS ORAL DECISION]

22 JUDGE TO MS. BARR

23 Ms. Barr, you've heard my decision. I'm reserving
24 appeal for you. I notify you that the Notice of Appeal is due
25 June 4, 2009, and if you weren't to timely file your notice it may

1 result in the Board not hearing your appeal.

2 MS. BARR TO JUDGE

3 I understand.

4 JUDGE TO MR. PECK

5 Any record, Mr. Peck?

6 MR. PECK TO JUDGE

7 No, Your Honor.

8 JUDGE TO COUNSEL

9 Thank you, Counsel.

10 HEARING CLOSED



**U.S. DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
CERTIFICATION**

I HEREBY CERTIFY that the annexed documents are the originals or copies thereof from the records of the Department of Homeland Security, or its predecessor the Immigration and Naturalization Service, relating to the person described in the name line of the documents and whose file number is listed therein and that the Attorney General or the Secretary of the Department of Homeland Security is the legal custodian by virtue of Section 103 of the Immigration and Nationality Act.

A handwritten signature in black ink, appearing to read "A. J. Heck", written over a horizontal line.

Assistant Chief Counsel
Department of Homeland Security
Seattle, Washington

EX-2

Alien's Name TARHAN, Turgut	File Number A088737523 Event No: SEA0902000204	Date 02/17/2009
<p>----- Nationality: TURKEY TARHAN, Tugrul ISTANBUL, TURKEY</p> <p>RECORDS CHECKED ----- CIS Pos CLAIM Pos IAPIS Pos NCIC Pos SEVIS Pos TECS Pos</p> <p>Record of Deportable/Excludable Alien: On 02/17/2009, IEA Nelson encountered subject TARHAN, Turgut DOB 08/27/1984, while performing CAP duties at the King County Jail, Seattle, WA.</p> <p>During interview, subject TARHAN freely admitted to being a citizen and national of Turkey. Subject stated that he last entered the United States on or about July 3, 2003 at SBT POB, Seattle, WA with a valid F1 visa.</p> <p>Subject states that he is not married and has no children. Subject has a sister, Revna TARHAN, residing in the United States at 2308 188th Place SW, Lynnwood, WA. Subject states that he was not employed at the time of his arrest.</p> <p>Immigration History:</p> <p>A review of available service databases shows the following immigration history:</p> <p>09/05/2002 - Subject entered the United States as an F1 student and departed on 06/13/2003.</p> <p>07/03/2003 - Subject entered the United States as an F1 student (I-94 # 592745744 10)</p> <p>12/08/2008 - Subject's F1 status terminated in SEVIS due to Failure to Enroll.</p> <p>Criminal History:</p> <p>06/03/2007 - Subject was being held at the King County Jail, Seattle, WA for an arrest for Rape 2.</p> <p>06/10/2004 - Subject arrested by Seattle PD on the charge of Harassment. No charges filed.</p> <p>08/01/2008 - Subject arrested by Seattle, PD on the charge of Rape 2. Convicted of Rape 3 and sentenced to 10 months and 36 to 48 months of community custody.</p> <p>09/04/2008 - Subject filed an appeal of his conviction in King County Superior Court.</p> <p>Disposition:</p> <p>Subject claims no health problems or injuries. Subject is missing the fingernail on his right, ... (CONTINUED ON NEXT PAGE)</p>		
Signature MATTHEW NELSON	Title IMMIGRATION ENFORCEMENT AGENT	

Alien's Name TARHAN, Turgut	File Number A088737523 Event No: SEA0902000204	Date 02/17/2009
<p>middle finger from an old injury.</p> <p>Subject expressed no fear of being returned to his country of origin.</p> <p>Subject was advised of his rights as per form I-826 attached, was provided with a list of free legal service providers and explained his consular notification rights as prescribed by 8 CFR 236.1 (e).</p> <p>Subject entered the United States with a valid F1 nonimmigrant visa on September 22, 2004. On December, 08, 2008 subject's status was terminated in SEVIS due to Failure to Enroll. In such, subject is in violation of section 237 (a) (1) (C) (i) of the INA as amended.</p> <p>Subject processed as an NTA.</p>		
Signature MATTHEW NELSON	Title IMMIGRATION ENFORCEMENT AGENT	

FILED

07 JUN -6 PM 3:40

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

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KING COUNTY \$200.00
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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON,)
)
) Plaintiff,)
)
) v.)
)
) EMIR BESKURT,)
) SAMET BIDERATAN,)
) TANER TARHAN, and)
) TURGUT TARHAN)
) and each of them,)
)
) Defendants.)

No. 07-C-05360-0 SEA
07-C-05361-8 SEA
07-C-05362-6 SEA
07-C-05363-4 SEA ✓


INFORMATION

I, Daniel T. Satterberg, Acting Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse EMIR BESKURT, SAMET BIDERATAN, TANER TARHAN and TURGUT TARHAN, and each of them, of the crime of Rape in the Second Degree, committed as follows:

That the defendants EMIR BESKURT, SAMET BIDERATAN, TANER TARHAN and TURGUT TARHAN, and each of them, together with others, in King County, Washington, on or about June 3, 2007, by forcible compulsion did engage in sexual intercourse with another person, named H.W.;

Contrary to RCW 9A.44.050(1)(a), and against the peace and dignity of the State of Washington.

NORM MALENG
Prosecuting Attorney
DANIEL T. SATTERBERG
Acting Prosecuting Attorney

By: 
Carol D. Spoon, WSBA #15525
Senior Deputy Prosecuting Attorney
Norm Maleng, Prosecuting Attorney
Daniel T. Satterberg, Acting Prosecuting Attorney
W354 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9600, FAX (206) 296-0955

INFORMATION - 1

25

3

3

SECRET
Y905

CAUSE NO. **07-1-05360-0 SEA**

ORIGINAL

Seattle
Police
Department

**CERTIFICATE FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER 07-223590
UNIT FILE NUMBER 07-128

That Kyle Kizzler is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case Number 07-223590;

There is probable cause to believe that Beskurt, Emir W/M 3-6-1987 committed the crime (s) of R.C.W. 9A.44.050 - Rape in the Second Degree.

This belief is predicated on the following facts and circumstances:

On 6/3/07, sometime between 1800-1900 hours, the victim (H.W.) and her roommate (C.C.) were in their apartment at 801 Spring Street #2-1409, City of Seattle, County of King, State of Washington. From their apartment, H.W. and C.C. have a view into 801 Spring Street, building #2, apartment #1306 - also in the City of Seattle, County of King, State of Washington.

C.C. knows two of the occupants of #1306 as "Emir," and "Tony," and had met them briefly "sometime around Thanksgiving," and could see them in their apartment. H.W. and C.C. decided to invite them up to their apartment for drinks. They signaled the two apartment occupants to come up. C.C. and H.W. described Emir as being exceptionally tall, at approximately 6'5". (Emir was later identified as Beskurt, Emir 3/6/87.) H.W. said that "Tony" was wearing a "baby blue" T-shirt. ("Tony" was later identified as Tarhan, Turgut 8-27-84)

Both Emir and Turgut came to the victim's apartment. After visiting for a short time, the four decided to go back down to apartment #1306. While in the apartment, two other male individuals came by. One was named "Tanner" and was Turgut's identical twin. (He was later identified as Tarhan, Tanner 8/27/84.) He was described as wearing a "dark t-shirt" and white basketball shorts. The fourth individual was wearing "a white button up polo shirt and black dress pants." (He was later identified as Bideratan, Samet 10-27-1985.) Neither H.W. nor C.C. had seen this individual before.

After a few more drinks, H.W. and C.C. invited the four males back to their apartment. They went there for a short time, but by approximately 2045 hours, all six individuals decided to return to apartment #1306.

At approximately 2100 hours, C.C. left the apartment to buy cigarettes. H.W. was seated on the couch in the living room. Emir was on her right side, and Turgut was sitting on her left. According to H.W., as soon as C.C. left, Turgut began stroking her leg, and trying to reach up her shorts. At the same time, Emir put his hand around her shoulders, and began trying to stroke her breasts. C.C. pushed them both aside and told them to "knock it off."

However, both Emir and Turgut continued, reaching farther underneath her clothing. At this point the other two individuals - (Tanner and Samet) came over to the couch.

H.W. said that "someone" took hold of her legs and started taking her pants off. She cried out for them to "stop it," and asked where C.C. was. She said that as her pants and panties were being removed, one of the suspects held her down on the couch by her shoulders. H.W. said that each of the four suspects "took turns" putting their penis in her vagina. She repeatedly told them "No!" and begged for C.C. to come back. The suspects, however, told her, "Everything will be fine." H.W. said that while one suspect had his penis in her vagina, another suspect would try to force his penis into her mouth.

This continued for at least 15 minutes, with each of the suspects penetrating her vagina against her will. The assaults lasted until C.C. returned and knocked on the door.



**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER 07-223590
UNIT FILE NUMBER 07-128

At that point the suspects stopped, and attempted to get dressed. H.W. got up and quickly answered the door. She pulled C.C. into the bathroom and informed her of what occurred. C.C. went into the living room and saw two of the suspects "pulling on their pants." C.C. recovered H.W.'s shorts and underwear from the living room floor while H.W. fled the apartment.

C.C. found H.W. a few moments later and together they called police.

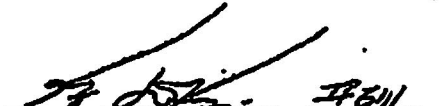
When police arrived, H.W. and C.C. provided detailed physical descriptions, including that all four were of "Eastern European" descent, possibly from Turkey.

Officer went to apartment #1306, but there was no one there. Officers remained to watch the apartment.

At approximately 2330 hours, officers observed the four suspects get off the elevator on the 13th floor and approach apartment #1306. All four matched the suspect description exactly and were placed under arrest.

A patrol officer was placed on guard of the apartment until a search warrant was obtained. The warrant was served at approximately 0730 on the morning of June 4th, 2007. In that search, detectives seized papers of Dominion and Control showing that Beskurt was a resident there.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 5th day of June, 2007, at Seattle, Washington.


_____ IP 611

ORIGINAL



Seattle
Police
Department

CAUSE NO. 07-C-05361-8 SEA'

**CERTIFICATE FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER 07-223590
UNIT FILE NUMBER 07-128

That Kyle Kizzler is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case Number 07-223590;

There is probable cause to believe that Bideratan, Samet W/M 10-27-1985 committed the crime (s) of R.C.W. 9A.44.050 - Rape in the Second Degree.

This belief is predicated on the following facts and circumstances:

On 6/3/07, sometime between 1800-1900 hours, the victim (H.W.) and her roommate (C.C.) were in their apartment at 801 Spring Street #2-1409, City of Seattle, County of King, State of Washington. From their apartment, H.W. and C.C. have a view into 801 Spring Street, building #2, apartment #1308 - also in the City of Seattle, County of King, State of Washington.

C.C. knows two of the occupants of #1308 as "Emir," and "Tony," and had met them briefly "sometime around Thanksgiving," and could see them in their apartment. H.W. and C.C. decided to invite them up to their apartment for drinks. They signaled the two apartment occupants to come up. C.C. and H.W. described Emir as being exceptionally tall, at approximately 6'5". (Emir was later identified as Beskurt, Emir 3/6/87.) H.W. said that "Tony" was wearing a "baby blue" T-shirt. ("Tony" was later identified as Tarhan, Turgut 8-27-84)

Both Emir and Turgut came to the victim's apartment. After visiting for a short time, the four decided to go back down to apartment #1308. While in the apartment, two other male individuals came by. One was named "Tanner" and was Turgut's identical twin. (He was later identified as Tarhan, Tanner 8/27/84.) He was described as wearing a "dark t-shirt" and white basketball shorts. The fourth individual was wearing "a white button up polo shirt and black dress pants." (He was later identified as Bideratan, Samet 10-27-1985.) Neither H.W. nor C.C. had seen this individual before.

After a few more drinks, H.W. and C.C. invited the four males back to their apartment. They went there for a short time, but by approximately 2045 hours, all six individuals decided to return to apartment #1308.

At approximately 2100 hours, C.C. left the apartment to buy cigarettes. H.W. was seated on the couch in the living room. Emir was on her right side, and Turgut was sitting on her left. According to H.W., as soon as C.C. left, Turgut began stroking her leg, and trying to reach up her shorts. At the same time, Emir put his hand around her shoulders, and began trying to stroke her breasts. C.C. pushed them both aside and told them to "knock it off."

However, both Emir and Turgut continued, reaching farther underneath her clothing. At this point the other two individuals - (Tanner and Samet) came over to the couch.

H.W. said that "someone" took hold of her legs and started taking her pants off. She cried out for them to "stop it," and asked where C.C. was. She said that as her pants and panties were being removed, one of the suspects held her down on the couch by her shoulders. H.W. said that each of the four suspects "took turns" putting their penis in her vagina. She repeatedly told them "No!" and begged for C.C. to come back. The suspects, however, told her, "Everything will be fine." H.W. said that while one suspect had his penis in her vagina, another suspect would try to force his penis into her mouth.

This continued for at least 15 minutes, with each of the suspects penetrating her vagina against her will. The assaults lasted until C.C. returned and knocked on the door.

ORIGINAL

Seattle
Police
Department

CAUSE NO. **07-C-05362-6 SEA'**

**CERTIFICATE FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER	07-223590
LAB FILE NUMBER	07-128

That Kyle Kizzier is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case Number 07-223590;

There is probable cause to believe that Tarhan, Taner W/M/8-27-1984 committed the crime (s) of R.C.W. 9A.44.050 - Rape in the Second Degree.

This belief is predicated on the following facts and circumstances:

On 6/3/07, sometime between 1800-1900 hours, the victim (H.W.) and her roommate (C.C.) were in their apartment at 801 Spring Street #2-1409, City of Seattle, County of King, State of Washington. From their apartment, H.W. and C.C. have a view into 801 Spring Street, building #2, apartment #1306 - also in the City of Seattle, County of King, State of Washington. C.C. knows two of the occupants of #1306 as "Emir," and "Tony," and had met them briefly "sometime around Thanksgiving," and could see them in their apartment. H.W. and C.C. decided to invite them up to their apartment for drinks. They signaled the two apartment occupants to come up. C.C. and H.W. described Emir as being exceptionally tall, at approximately 6'5". (Emir was later identified as Beskurt, Emir 3/6/87.) H.W. said that "Tony" was wearing a "baby blue" T-shirt. ("Tony" was later identified as Tarhan, Turgut 8-27-84)

Both Emir and Turgut came to the victim's apartment. After visiting for a short time, the four decided to go back down to apartment #1306. While in the apartment, two other male individuals came by. One was named "Tanner" and was Turgut's identical twin. (He was later identified as Tarhan, Tanner 8/27/84.) He was described as wearing a "dark t-shirt" and white basketball shorts. The fourth individual was wearing "a white button up polo shirt and black dress pants." (He was later identified as Bideratan, Samet 10-27-1985.) Neither H.W. nor C.C. had seen this individual before.

After a few more drinks, H.W. and C.C. invited the four males back to their apartment. They went there for a short time, but by approximately 2045 hours, all six individuals decided to return to apartment #1306.

At approximately 2100 hours, C.C. left the apartment to buy cigarettes. H.W. was seated on the couch in the living room. Emir was on her right side, and Turgut was sitting on her left. According to H.W., as soon as C.C. left, Turgut began stroking her leg, and trying to reach up her shorts. At the same time, Emir put his hand around her shoulders, and began trying to stroke her breasts. C.C. pushed them both aside and told them to "knock it off." However, both Emir and Turgut continued, reaching farther underneath her clothing. At this point the other two individuals - (Tanner and Samet) came over to the couch. H.W. said that "someone" took hold of her legs and started taking her pants off. She cried out for them to "stop it," and asked where C.C. was. She said that as her pants and panties were being removed, one of the suspects held her down on the couch by her shoulders. H.W. said that each of the four suspects "look turns" putting their penis in her vagina. She repeatedly told them "No!" and begged for C.C. to come back. The suspects, however, told her, "Everything will be fine." H.W. said that while one suspect had his penis in her vagina, another suspect would try to force his penis into her mouth. This continued for at least 15 minutes, with each of the suspects penetrating her vagina against her will. The assaults lasted until C.C. returned and knocked on the door.

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**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER 07-223590
UNIT FILE NUMBER 07-128

At that point the suspects stopped, and attempted to get dressed. H.W. got up and quickly answered the door. She pulled C.C. into the bathroom and informed her of what occurred. C.C. went into the living room and saw two of the suspects "pulling on their pants." C.C. recovered H.W.'s shorts and underwear from the living room floor while H.W. fled the apartment.

C.C. found H.W. a few moments later and together they called police.

When police arrived, H.W. and C.C. provided detailed physical descriptions, including that all four were or "Eastern European" descent, possibly from Turkey.

Officer went to apartment #1306, but there was no one there. Officers remained to watch the apartment.

At approximately 2330 hours, officers observed the four suspects get off the elevator on the 13th floor and approach apartment #1306. All four matched the suspect description exactly and were placed under arrest.

A patrol officer was placed on guard of the apartment until a search warrant was obtained. The warrant was served at approximately 0730 on the morning of June 4th, 2007. In that search, detectives seized papers of Dominion and Control showing that Beskurt was a resident there.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 5th day of June, 2007, at Seattle, Washington.

3

ORIGINAL



Seattle
Police
Department

CAUSE NO.

07-C-05368-4 SEA

**CERTIFICATE FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER
07-223590
UNIT FILE NUMBER
07-128

That Kyle Kizzier is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case Number 07-223590;

There is probable cause to believe that Tarhan, Turgut W/M/8-27-1984 committed the crime (s) of R.C.W. 9A.44.050 - Rape in the Second Degree.

This belief is predicated on the following facts and circumstances:

On 6/3/07, sometime between 1800-1900 hours, the victim (H.W.) and her roommate (C.C.) were in their apartment at 801 Spring Street #2-1409, City of Seattle, County of King, State of Washington. From their apartment, H.W. and C.C. have a view into 801 Spring Street, building #2, apartment #1306 - also in the City of Seattle, County of King, State of Washington. C.C. knows two of the occupants of #1306 as "Emir," and "Tony," and had met them briefly "sometime around Thanksgiving," and could see them in their apartment. H.W. and C.C. decided to invite them up to their apartment for drinks. They signaled the two apartment occupants to come up. C.C. and H.W. described Emir as being exceptionally tall, at approximately 6'5". (Emir was later identified as Beskurt, Emir 3/8/87.) H.W. said that "Tony" was wearing a "baby blue" T-shirt. ("Tony" was later identified as Tarhan, Turgut 8-27-84)

Both Emir and Turgut came to the victim's apartment. After visiting for a short time, the four decided to go back down to apartment #1306. While in the apartment, two other male individuals came by. One was named "Tanner" and was Turgut's identical twin. (He was later identified as Tarhan, Tanner 8/27/84.) He was described as wearing a "dark t-shirt" and white basketball shorts. The fourth individual was wearing "a white button up polo shirt and black dress pants." (He was later identified as Bideratan, Samet 10-27-1985.) Neither H.W. nor C.C. had seen this individual before.

After a few more drinks, H.W. and C.C. invited the four males back to their apartment. They went there for a short time, but by approximately 2045 hours, all six individuals decided to return to apartment #1306.

At approximately 2100 hours, C.C. left the apartment to buy cigarettes. H.W. was seated on the couch in the living room. Emir was on her right side, and Turgut was sitting on her left. According to H.W., as soon as C.C. left, Turgut began stroking her leg, and trying to reach up her shorts. At the same time, Emir put his hand around her shoulders, and began trying to stroke her breasts. C.C. pushed them both aside and told them to "knock it off." However, both Emir and Turgut continued, reaching farther underneath her clothing. At this point the other two individuals - (Tanner and Samet) came over to the couch. H.W. said that "someone" took hold of her legs and started taking her pants off. She cried out for them to "stop it," and asked where C.C. was. She said that as her pants and panties were being removed, one of the suspects held her down on the couch by her shoulders. H.W. said that each of the four suspects "took turns" putting their penis in her vagina. She repeatedly told them "No!" and begged for C.C. to come back. The suspects, however, told her, "Everything will be fine." H.W. said that while one suspect had his penis in her vagina, another suspect would try to force his penis into her mouth. This continued for at least 15 minutes, with each of the suspects penetrating her vagina against her will. The assaults lasted until C.C. returned and knocked on the door.

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**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

INCIDENT NUMBER 07-223590
UNIT FILE NUMBER 07-128

At that point the suspects stopped, and attempted to get dressed. H.W. got up and quickly answered the door. She pulled C.C. into the bathroom and informed her of what occurred. C.C. went into the living room and saw two of the suspects "pulling on their pants." C.C. recovered H.W.'s shorts and underwear from the living room floor while H.W. fled the apartment.

C.C. found H.W. a few moments later and together they called police.

When police arrived, H.W. and C.C. provided detailed physical descriptions, including that all four were of "Eastern European" descent, possibly from Turkey.

Officer went to apartment #1306, but there was no one there. Officers remained to watch the apartment.

At approximately 2330 hours, officers observed the four suspects get off the elevator on the 13th floor and approach apartment #1306. All four matched the suspect description exactly and were placed under arrest.

A patrol officer was placed on guard of the apartment until a search warrant was obtained. The warrant was served at approximately 0730 on the morning of June 4th, 2007. In that search, detectives seized papers of Dominion and Control showing that Baskurt was a resident there.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 5th day of June, 2007, at Seattle, Washington.

[Handwritten signature]
#611

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CAUSE NO. 07-C-05360-0 SEA
CAUSE NO. 07-C-05361-8 SEA
CAUSE NO. 07-C-05362-6 SEA
CAUSE NO. 07-C-05363-4 SEA

PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR
CONDITIONS OF RELEASE

The State incorporates by reference the Certification for Determination of Probable Cause written by Detective Kyle Kizzier in Seattle Police Department Incident Number 07- 223590 and signed on June 5, 2007.

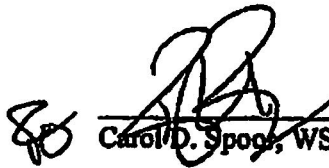
REQUEST FOR BAIL

The State requests bail in the amount of \$40,000 for each defendant, pursuant to CrR 2.2 (b) (2) (i), (ii), (iii), and (iv) and the violent nature of this crime. The amount set at first appearance was \$40,000 for each defendant and each bailed out at that amount.

The defendants are each believed to be foreign nationals. Turgut Tarhan reported to Court Services that he planned to vacation out of the area this summer. The State requests that the defendants each be required to forfeit their passports and obtain permission from the court for any travel outside of the county until these charges are resolved.

The State also requests a no contact order be issued for the protection of C.C. and H.W.

Signed this 6 day of June, 2007.



Carol D. Spoor, WSBA #15525

Prosecuting Attorney Case
Summary and Request for Bail
and/or Conditions of Release - 1

Notip Maleng, Prosecuting Attorney
Daniel T. Satterberg, Acting Prosecuting Attorney
W334 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

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STATE OF WASHINGTON } ss.
County of King

I, BARBARA MINER, Clerk of the Superior Court of the State of Washington, for the County of King, do hereby certify that I have compared the foregoing copy with the original instrument as the same appears on file and of record in my office, and that the same is a true and perfect transcript of said original and of the whole thereof. IN TESTIMONY WHEREOF, I have hereto set my hand and affixed the Seal of said Superior Court at my office at Seattle this

day of SEP 11 2008 20
By BARBARA MINER, Superior Court Clerk
Deputy Clerk

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**CERTIFIED
COPY**

FILED
KING COUNTY, WASHINGTON

SEP 04 2008

SUPERIOR COURT CLERK
BY LEANNE SYMONDS
DEPUTY

COPY TO COURT OF APPEALS SEP - 5 2008

A88 737 523

SUPERIOR COURT OF THE STATE OF WASHINGTON
KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

v.

TURGUT TARHAN,

Defendant.

No. 07-C-05363-4 SRA
NOTICE OF APPEAL

TO: CLERK OF THE COURT
AND TO: KING COUNTY PROSECUTING ATTORNEY

YOU AND EACH OF YOU are hereby notified that the defendant, Turgut Tarhan hereby appeals from his judgment and sentence of conviction, dated September 4, 2008, to the Court of Appeals in the State of Washington, Division One.

DATED this 4th day of September, 2008.

Respectfully Submitted,
LAW OFFICE OF RAYMOND C. MCFARLAND


Raymond C. McFarland, WSBA No. 12257
Attorney for Defendant

NOTICE OF APPEAL - 1

LAW OFFICE OF
RAYMOND C. MCFARLAND
119 FIRST AVENUE SOUTH, SUITE 320
SEATTLE, WA 98104-3424
TEL (206) 457-6690 FAX (206) 622-6636
RAY@MCFARLANDLEGAL.COM

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Attorney for Plaintiff:

**Christine Keating
Deputy Prosecuting Attorney
King County Prosecuting Attorney's Office
W554 King County Courthouse
516 Third Ave.
Seattle WA 98104**

Attorney for Defendant:

**Raymond C. McFarland
Law Office of Raymond C. McFarland
119 First Avenue South, Suite 320
Seattle, WA 98104-3424**

Defendant:

**Turgut Tarhan
c/o King County Jail
500 Fifth Ave.
Seattle WA 98104**

NOTICE OF APPEAL - 2

**LAW OFFICE OF
RAYMOND C. MCFARLAND
119 FIRST AVENUE SOUTH, SUITE 320
SEATTLE, WA 98104-3424
TEL (206) 467-6690 FAX (206) 622-6636
RAY@MCFARLANDLEGAL.COM**

13

Barbara Miner, Clerk of the Superior Court of the State of Washington
I have reviewed this copy for accuracy and the original transcript
is on file in my office and of the whole
I have entered this seal of said Superior
Court on this date **DEC 08 2008**



BARBARA MINER, Superior Court Clerk

By _____
Deputy Clerk

A handwritten signature in black ink, appearing to be "B. Miner", written over a horizontal line.

CERTIFIED COPY

FILED

2008 SEP -8 AM:11:21

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

HW

COMMITMENT ISSUED SEP - 8 2008

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

Vs.

TURGUT TARHAN

Defendant,

No. 07-C-05363-4 SEA

JUDGMENT AND SENTENCE
FELONY

I. HEARING

I.1 The defendant, the defendant's lawyer, RAY MCFARLAND, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: H.W., Lawrence Conception,
Reyna Turnan, Devina Setyanan

II. FINDINGS

There being no reason why judgment should not be pronounced, the court finds:

2.1 **CURRENT OFFENSE(S):** The defendant was found guilty on 08/01/2008 by jury verdict of:

Count No.:	<u>I</u>	Crime:	<u>RAPE IN THE THIRD DEGREE</u>
RCW	<u>9A.44.060(1)(B)</u>	Crime Code:	<u>00766</u>
Date of Crime:	<u>06/03/2007</u>	Incident No.:	<u></u>
Count No.:	<u></u>	Crime:	<u></u>
RCW	<u></u>	Crime Code:	<u></u>
Date of Crime:	<u></u>	Incident No.:	<u></u>
Count No.:	<u></u>	Crime:	<u></u>
RCW	<u></u>	Crime Code:	<u></u>
Date of Crime:	<u></u>	Incident No.:	<u></u>
Count No.:	<u></u>	Crime:	<u></u>
RCW	<u></u>	Crime Code:	<u></u>
Date of Crime:	<u></u>	Incident No.:	<u></u>

[] Additional current offenses are attached in Appendix A

SPECIAL VERDICT or FINDING(S):

- (a) While armed with a firearm in count(s) _____ RCW 9.94A.510(3).
- (b) While armed with a deadly weapon other than a firearm in count(s) _____ RCW 9.94A.510(4).
- (c) With a sexual motivation in count(s) _____ RCW 9.94A.835.
- (d) A V.U.C.S.A. offense committed in a protected zone in count(s) _____ RCW 69.50.435.
- (e) Vehicular homicide Violent traffic offense DUI Reckless Disregard.
- (f) Vehicular homicide by DUI with _____ prior conviction(s) for offense(s) defined in RCW 41.61.5055, RCW 9.94A.510(7).
- (g) Non-parental kidnapping or unlawful imprisonment with a minor victim. RCW 9A.44.130.
- (h) Domestic violence offense as defined in RCW 10.99.020 for count(s) _____
- (i) Current offenses encompassing the same criminal conduct in this cause are count(s) _____ RCW 9.94A.589(1)(a).

2.2 OTHER CURRENT CONVICTION(S): Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): _____

2.3 CRIMINAL HISTORY: Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.525):

- Criminal history is attached in Appendix B.
- One point added for offense(s) committed while under community placement for count(s) _____

2.4 SENTENCING DATA:

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count I	0	V	6 TO 12		6 TO 12 MONTHS	5 YEARS AND/OR \$10,000
Count						
Count						
Count						

Additional current offense sentencing data is attached in Appendix C.

2.5 EXCEPTIONAL SENTENCE (RCW 9.94A.535):

Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) _____. Findings of Fact and Conclusions of Law are attached in Appendix D. The State did did not recommend a similar sentence.

III. JUDGMENT

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and Appendix A.
 The Court **DISMISSES** Count(s) _____

IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below.

4.1 RESTITUTION AND VICTIM ASSESSMENT:

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.
 Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.753(2), sets forth those circumstances in attached Appendix E.
 Restitution to be determined at future restitution hearing on (Date) _____ at _____ m.
 Date to be set.
 Defendant waives presence at future restitution hearing(s).
 Restitution is not ordered.

Defendant shall pay Victim Penalty Assessment pursuant to RCW 7.68.035 in the amount of \$500.

4.2 OTHER FINANCIAL OBLIGATIONS: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a) \$ 200.00, Court costs; Court costs are waived; (RCW 9.94A.030, 10.01.160)
(b) \$100 DNA collection fee; DNA fee waived (RCW 43.43.754)(crimes committed after 7/1/02);
(c) \$ _____, Recoupment for attorney's fees to King County Public Defense Programs;
 Recoupment is waived (RCW 9.94A.030);
(d) \$ _____, Fines; \$1,000, Fine for VUCSA; \$2,000, Fine for subsequent VUCSA;
 VUCSA fine waived (RCW 69.50.430);
(e) \$ _____, King County Interlocal Drug Fund; Drug Fund payment is waived;
(RCW 9.94A.030)
(f) \$ _____, State Crime Laboratory Fee; Laboratory fee waived (RCW 43.43.690);
(g) \$ _____, Incarceration costs; Incarceration costs waived (RCW 9.94A.760(2));
(h) \$ _____, Other costs for: _____

- 4.3 PAYMENT SCHEDULE: Defendant's TOTAL FINANCIAL OBLIGATION is: \$ 800.00. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms: Not less than \$ _____ per month; On a schedule established by the defendant's Community Corrections Officer or Department of Judicial Administration (DJA) Collections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. The Defendant shall remain under the Court's jurisdiction to assure payment of financial obligations: for crimes committed before 7/1/2000, for up to ten years from the date of sentence or release from total confinement, whichever is later; for crimes committed on or after 7/1/2000, until the obligation is completely satisfied. Pursuant to RCW 9.94A.7602, if the defendant is more than 30 days past due in payments, a notice of payroll deduction may be issued without further notice to the offender. Pursuant to RCW 9.94A.760(7)(b), the defendant shall report as directed by DJA and provide financial information as requested.
 Court Clerk's trust fees are waived.
 Interest is waived except with respect to restitution.

4.4 The defendant, having been convicted of a FELONY SEX OFFENSE, is sentenced to the following:

(a) **DETERMINATE SENTENCE** : Defendant is sentenced to a term of confinement in the custody of the
 King County Jail King County Work/Education Release (subject to conditions of conduct ordered
this date) Department of Corrections, as follows, commencing: immediately;
 Date: _____ by _____ a.m. / p.m.

10 months days on count I; _____ months/days on count _____; _____ months/days on count _____;
_____ months/days on count _____; _____ months/days on count _____; _____ months/days on count _____;
_____ months/days on count _____; _____ months/days on count _____; _____ months/days on count _____.

ALTERNATIVE CONVERSION - RCW 9.94A.680 (LESS THAN ONE YEAR ONLY):

_____ days of total confinement are hereby converted to:
 _____ days of partial confinement to be served subject to the requirements of the King County Jail.
 _____ days/hours community restitution under the supervision of the Department of Corrections to
be completed as follows:
 on a schedule established by the defendant's Community Corrections Officer;

 Alternative conversion was not used because: Defendant's criminal history, Defendant's
failure to appear, Other: _____

COMMUNITY CUSTODY for FAILURE TO REGISTER AS A SEX OFFENDER under RCW
9A.44.130(1)(a) committed on or after 6-7-2006 as to Counts _____ (regardless of length of
confinement) is ordered pursuant to RCW 9.94A.545(2) and RCW 9.94A.715 for the range of 36 to 48
months.

FOR CONFINEMENT LESS THAN ONE YEAR (except for Failure to Register as a Sex
Offender under RCW 9A.44.130(1)(a) committed on or after 6-7-06) as to Counts _____:
COMMUNITY **SUPERVISION**, for crimes committed before 7-1-2000, **CUSTODY**, for
crimes committed on or after 7-1-2000, is ordered pursuant to RCW 9.94A.545 for a period of 12 months.
The defendant shall report to the Department of Corrections within 72 hours of this date or of his/her
release if now in custody; shall comply with all the rules, regulations and conditions of the Department for
supervision of offenders (RCW 9.94A.720); shall comply with all affirmative acts required to monitor
compliance; and shall otherwise comply with terms set forth in this sentence.
 APPENDIX _____: Additional Conditions are attached and incorporated herein.

COMMUNITY PLACEMENT (CONFINEMENT OVER ONE YEAR) as to Counts _____:
pursuant to RCW 9.94A.700, for qualifying crimes committed before 6-6-1996, is ordered for
_____ months or for the period of earned early release awarded pursuant to RCW 9.94A.728,
whichever is longer. [24 months for any serious violent offense, vehicular homicide, vehicular assault, or
sex offense prior to 7-6-96; 12 months for any assault 2°, assault of a child 2°, felony violation of RCW
69.50/52, any crime against person defined in RCW 9.94A.440 not otherwise described above.]
 APPENDIX H, Community Placement conditions, is attached and incorporated herein.

COMMUNITY CUSTODY (CONFINEMENT OVER ONE YEAR) as to Counts _____:
pursuant to RCW 9.94A.710 for any **SEX OFFENSE** committed on or after 6-6-1996 but before 7-1-
2000, is ordered for a period of 36 months or for the period of earned early release awarded under RCW
9.94A.728 whichever is longer.
 APPENDIX H, Community Custody conditions, is attached and incorporated herein.

The above terms for counts _____ are consecutive / concurrent.

The above terms shall run [] CONSECUTIVE [] CONCURRENT to cause No.(s) _____

The above terms shall run [] CONSECUTIVE [] CONCURRENT to any previously imposed sentence not referred to in this order.

[] In addition to the above term(s) the court imposes the following mandatory terms of confinement for any special WEAPON findings(s) in section 2.1: _____

_____ which term(s) shall run consecutive with each other and with all base term(s) above and terms in any other cause. (For crimes committed after 6-10-1998.)

[] The enhancement term(s) for any special WEAPON findings in section 2.1 is/are included within the term(s) imposed above. (For crimes before 6-11-1998 only, per In Re Charles)

The TOTAL of all terms imposed in this cause is _____ months.

4.5 ADDITIONAL CONDITIONS OF SENTENCE

[] APPENDIX B: Community Custody conditions are attached and incorporated herein.

[] COMMUNITY CUSTODY: pursuant to RCW 9.94A.712 for qualifying SEX OFFENSES committed on or after September 1, 2001, is ordered for any period of time the defendant is released from total confinement before the expiration of the maximum sentence as set forth above. Sanctions and punishments for non-compliance will be imposed by the Department of Corrections pursuant to RCW 9.94A.713, 9.94A.737.

Count _____: Minimum Term: _____ months/days; Maximum Term: _____ years/life.

Count _____: Minimum Term: _____ months/days; Maximum Term: _____ years/life.

Count _____: Minimum Term: _____ months/days; Maximum Term: _____ years/life.

Count _____: Minimum Term: _____ months/days; Maximum Term: _____ years/life.

The Court having found that the defendant is subject to sentencing under RCW 9.94A.712, the defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows, commencing: [] immediately; [] (Date): _____ by _____.

(b) INDETERMINATE SENTENCE - QUALIFYING SEX OFFENSES occurring after 9-1-2001:

[] APPENDIX B, Community Custody conditions, is attached and incorporated herein.

to RCW 9.94A.737.

Sanctions and punishments for non-compliance will be imposed by the Department of Corrections pursuant to RCW 9.94A.728, whichever is longer.

or for the entire period of earned early release awarded under RCW 9.94A.712, whichever is longer.

[] Felony Violation of RCW 69.50/52: 9 to 12 months

[] Crime Against Person, RCW 9.94A.411: 9 to 18 months

[] Violent Offense, RCW 9.94A.030(45): 18 to 36 months

[] Serious Violent Offense, RCW 9.94A.030(37): 24 to 48 months

[] Sex Offense, RCW 9.94A.030(38): 36 to 48 months

30-2000 is ordered for the following established range:

pursuant to RCW 9.94A.715 for qualifying crimes (non RCW 9.94A.712 offenses) committed after 6-

[] COMMUNITY CUSTODY (CONFINEMENT OVER ONE YEAR) as to Counts _____

Credit is given for [] _____ days served [] days as determined by the King County Jail, solely for confinement under this cause number pursuant to RCW 9.94A.005(6). [] Jail term is satisfied and defendant shall be released under this cause.

4.6 NO CONTACT: For the maximum term of 5 years, defendant shall have no contact, direct or indirect, in person, in writing, by telephone, or through third parties with: HW. (10-21-00), Caroline Conception, William Moore, Spencer Miller
[] Any minors without supervision of a responsible adult who has knowledge of this conviction.

4.7 DNA TESTING: The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing, as ordered in APPENDIX G.

[] HIV TESTING: For sexual offense, prostitution offense, drug offense associated with the use of hypodermic needles, the defendant shall submit to HIV testing as ordered in APPENDIX G.

4.8 SEX OFFENDER REGISTRATION:
The defendant shall register as a sex offender as ordered in APPENDIX J.

4.9 [] ARMED CRIME COMPLIANCE, RCW 9.94A.475, 480. The State's plea/sentencing agreement is [] attached [] as follows:

The defendant shall report to an assigned Community Corrections Officer within 72 hours of release from confinement for monitoring of the remaining terms of this sentence.

Date: 9.4.08

Dorothy Craighead
JUDGE
Print Name:

Presented by:

Christine W. Keating
Deputy Prosecuting Attorney, WSBA# 30821
Print Name: Christine W. Keating

Approved as to form:

PMcFarland #12257
Attorney for Defendant, WSBA#
Print Name: PMcFarland

FINGERPRINTS



BEST AVAILABLE IMAGE POSSIBLE

RIGHT HAND
FINGERPRINTS OF:

TURGUT TARHAN

DEFENDANT'S SIGNATURE:
DEFENDANT'S ADDRESS:

[Handwritten Signature]

KCT

DATED: SEP 04 2008

Dee-Ann Craigher
JUDGE, KING COUNTY SUPERIOR COURT

ATTESTED BY: BARBARA MINER,
SUPERIOR COURT CLERK
BY: *Shelanne Symons*
DEPUTY CLERK

CERTIFICATE

I, _____,
CLERK OF THIS COURT, CERTIFY THAT
THE ABOVE IS A TRUE COPY OF THE
JUDGEMENT AND SENTENCE IN THIS
ACTION ON RECORD IN MY OFFICE.
DATED: _____

CLERK

BY: _____
DEPUTY CLERK

OFFENDER IDENTIFICATION

S.I.D. NO.
DOB: AUGUST 27, 1984
SEX: M
RACE: W

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

TURGUT TARHAN

Defendant,

No. 07-C-05363-4 SEA

APPENDIX G
ORDER FOR BIOLOGICAL TESTING
AND COUNSELING

FAX COPY TO COUNTY JAIL SEP 8 2008

(1) DNA IDENTIFICATION (RCW 43.43.754):

The Court orders the defendant to cooperate with the King County Department of Adult Detention, King County Sheriff's Office, and/or the State Department of Corrections in providing a biological sample for DNA identification analysis. The defendant, if out of custody, shall promptly call the King County Jail at 296-1226 between 8:00 a.m. and 1:00 p.m., to make arrangements for the test to be conducted within 15 days.

(2) HIV TESTING AND COUNSELING (RCW 70.24.340):

(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermic needles, or prostitution related offense.)

The Court orders the defendant contact the Seattle-King County Health Department and participate in human immunodeficiency virus (HIV) testing and counseling in accordance with Chapter 70.24 RCW. The defendant, if out of custody, shall promptly call Seattle-King County Health Department at 205-7837 to make arrangements for the test to be conducted within 30 days.

If (2) is checked, two independent biological samples shall be taken.

Date: 9.4.08

Laura J. Craighero
JUDGE, King County Superior Court

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)	
)	
) Plaintiff,	No. 07-C-05363-4 SEA
)	
vs.)	JUDGMENT AND SENTENCE
)	APPENDIX H
TURGUT TARHAN)	COMMUNITY PLACEMENT OR
)	COMMUNITY CUSTODY
) Defendant,	

The Defendant shall comply with the following conditions of community placement or community custody pursuant to RCW 9.94A.700(4), (5):

- 1) Report to and be available for contact with the assigned community corrections officer as directed;
- 2) Work at Department of Corrections-approved education, employment, and/or community service;
- 3) Not possess or consume controlled substances except pursuant to lawfully issued prescriptions;
- 4) Pay supervision fees as determined by the Department of Corrections;
- 5) Receive prior approval for living arrangements and residence location;
- 6) Not own, use, or possess a firearm or ammunition. (RCW 9.94A.720(2));
- 7) Notify community corrections officer of any change in address or employment; and
- 8) Remain within geographic boundary, as set forth in writing by the Department of Corrections Officer or as set forth with SODA order.

OTHER SPECIAL CONDITIONS:

- The defendant shall not consume any alcohol.
- Defendant shall have no contact with: H.W. (5/10/29/86), Caroline Conception, Tahnam Worms, Spencer Irving
- Defendant shall remain within outside of a specified geographical boundary, to wit:
- The defendant shall participate in the following crime-related treatment or counseling services: Obtain both substance abuse and sexual deviancy evaluations and follow all recommendations of both
- The defendant shall comply with the following crime-related prohibitions: Submit to random polygraph exams to monitor compliance with conditions
-

Other conditions may be imposed by the court or Department during community custody.

Community Placement or Community Custody shall begin upon completion of the term(s) of confinement imposed herein or when the defendant is transferred to Community Custody in lieu of earned early release. The defendant shall remain under the supervision of the Department of Corrections and follow explicitly the instructions and conditions established by that agency. The Department may require the defendant to perform affirmative acts deemed appropriate to monitor compliance with the conditions [RCW 9.94A.720] and may issue warrants and/or detain defendants who violate a condition [RCW 9.94A.740].

Date: 9.4.08

Aaron J. Trayhead
JUDGE

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY,

STATE OF WASHINGTON,

Plaintiff,

No 07-C-05363-4 SDJ

vs.

Turget Turner

Defendant,

APPENDIX J
JUDGMENT AND SENTENCE
SEX/KIDNAPPING OFFENDER NOTICE OF
REGISTRATION REQUIREMENTS

SEX AND KIDNAPPING OFFENDER REGISTRATION. RCW 9A.44.130, 10.01.200. You are required to register your complete residential address with the sheriff of the county where you reside, because you have been convicted of one of the following sex or kidnapping offenses: Rape 1, 2, or 3; Rape of a Child 1, 2, or 3; Child Molestation 1, 2 or 3; Sexual Misconduct With A Minor 1 or 2; Indecent Liberties; Incest 1 or 2; Voyeurism; Kidnapping 1 or 2 (if victim is a minor and offender is not the minor's parent); Unlawful Imprisonment (if victim is a minor and offender is not the minor's parent); Sexual Exploitation of a Minor; Custodial Sexual Misconduct 1; Criminal Trespass against Children; Dealing in Depictions of a Minor Engaged in Sexually Explicit Conduct; Sending, Bringing into State Depictions of a Minor Engaged in Sexually Explicit Conduct; Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct; Communication with a Minor for Immoral Purposes; Patronizing a Juvenile Prostitute; Failure to Register as a Sex Offender; any gross misdemeanor that is under RCW 9A.28, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or RCW 9A.44.130 or a kidnapping offense under 9A.44.130; or any felony with a finding of sexual motivation (RCW 9.94A.835 or RCW 13.40.135).

If you are out of custody, you must register immediately upon being sentenced.

If you are in custody, you must register within 24 hours of your release.

If you change your residence within a county, you must send signed written notice of your change of residence to the county sheriff within 72 hours of moving.

If you change your residence to a new county within this state, you must send signed written notice of your change of residence to the sheriff of the county of your new residence at least 14 days before moving and register with the county sheriff of your new residence within 24 hours of moving. In addition, you must give signed written notice of your change of address to the sheriff of the county where you last registered within 10 days of moving.

If you plan to attend a public or private school or institution of higher education in Washington, you are required to notify the county sheriff for the county of your residence within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier. If you are currently attending a public or private school or institution of higher education in Washington, you must notify the county sheriff, for the county where the school is located, immediately.

If you lack a fixed residence, you are required to register as homeless. You must also report in person to the sheriff of the county where you registered on a weekly basis. If you are under DOC supervision and lack a fixed residence, you must register in the county where you are being supervised. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county within 24 hours.

If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within 3 business days after returning to this state or within 24 hours if you are under the jurisdiction of the state department of corrections, the indeterminate sentence review board or the department of social and health services.

If you move to a new state, you must register with the new state within 10 days after establishing residence. You must also send written notice, within 10 days of moving to the new state, to the county sheriff with whom you last registered in Washington State.

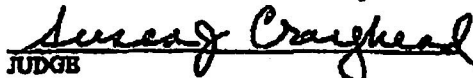
If you are not a resident of Washington, but attend school, are employed, or carry on a vocation in the State of Washington, you must register with the county sheriff for the county where your school, place of employment, or vocation is located.

If you are ranked as a Level II or Level III offender (even if you have a fixed residence), you must report, in person, every ninety days to the sheriff of the county where you are registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours.

The King County Sheriff's Office sex offender registration desk is located on the first floor of the King County Courthouse- 516 3rd Avenue, Seattle, WA. Failure to comply with registration requirements is a criminal offense.

Copy Received:

 4 Sept 08
Defendant Date


JUDGE

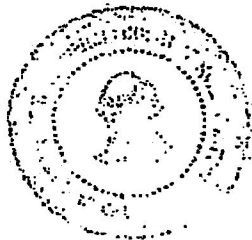
APPENDIX J Rev. 1/06
Distribution:
Original/White - Clerk
Yellow - Defendant
Pink - King County Jail
Gold/Red - Prosecutor

23

BARBARA MINZER, Clerk of the Superior Court of the State of Washington
I hereby certify that this copy is a true and correct copy of the original
filed and of record in my office and of the whole
of the same. WITNESSED, I have affixed this seal of said Superior
Court this 9th day of December, 2008.

BARBARA MINZER, Superior Court Clerk

By _____
Deputy Clerk



CERTIFIED COPY

KING COUNTY, WASHINGTON

AUG 01 2008

SUP. JOR COURT CLERK
BY LEANNE SYMONDS
DEPUTY

CERTIFIED COPY TO COUNTY JAIL AUG 01 2008

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

Tuqut Tannan

Defendant,

No. *07-C-05363-4 SEA*

ORDER REMANDING DEFENDANT
TO THE DEPARTMENT OF ADULT
DETENTION (JAIL)

THIS MATTER having come on before the undersigned judge of the above-entitled court upon the motion of the State of Washington, plaintiff, for the above-entitled order and the Court having either revoked or amended the defendant's conditions of release in the above-entitled cause, and the court being fully advises in the premises; now, therefore,

IT IS HEREBY ORDERED that the defendant be remanded immediately to the custody of the King County Department of Adult Detention (King County Jail), and

IT IS FURTHER ORDERED that:

() the defendant is not to be released pending further order of the court;

() the defendant's bail on this cause is reset at \$ ~~10000~~ *10000*, cash or surety, in addition

to any prior non-monetary conditions which remain in effect; ~~the defendant is to remain in custody until further order of the court.~~

DONE IN OPEN COURT this 1st day of August, 2008.

Aussie J. Craighead
JUDGE

Presented by:

Christina Kately
Deputy Prosecuting Attorney #30821

Approved for entry: *(Objection Noted)*

Attorney for Defendant

Distribution:

- White - Clerk's Office
- Yellow - Jail
- Pink - Prosecuting Attorney
- Goldenrod - Defendant

ORDER REMANDING DEFENDANT TO DEPARTMENT OF ADULT DETENTION (JAIL)

(This form is intended for use only when the defendant is present in court. It is not to be used as a substitute form of bench warrant)
Revised 4/01

Norm Maleng, Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000
FAX (206) 296-0955

24

THE STATE OF WASHINGTON
COUNTY OF KING

STATE OF WASHINGTON) ss.
County of King

I, BARBARA MINSKY, Clerk of the Superior Court
of the State of Washington, for the County of King, do hereby certify
that I have compared the foregoing copy with the original instrument of
the same appears on file and of record in my office, and that the same
is a true and correct transcript of said original and of the whole thereof.
IN WITNESS WHEREOF, I have hereunto set my hand and official seal
of the Court at my office at Seattle this

SEP 11 2006

BARBARA MINSKY, Deputy Clerk
Deputy Clerk

Kaaren L. Barr, Esquire
Law Offices of Kaaren L. Barr
811 First Avenue #200
Seattle, WA 98104
(206) 919-1856
(206) 629-7665 FAX
kaaren@kaarenbarr.com

NON-DETAINED

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
SEATTLE, WASHINGTON

In the Matter of:
Turgut TARHAN,
In Removal Proceedings.

File No: A 088-737-523

Immigration Judge: Kenneth Josephson

Next Hearing: MCH 05/05/2009

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
SEATTLE, WASHINGTON

RECEIVED
DEPARTMENT OF JUSTICE
09 MAY -L AM 10:07

COUNSEL'S
REQUEST FOR APPEARANCE BY TELEPHONE

COMES NOW counsel for the respondent and requests that she be allowed to appear by telephone from her office in Emmett, Idaho for the Master Calendar Hearing in this case on May 5, 2009, at 1 PM.

It is believed that the respondent will have new counsel, who will appear with him at the master calendar hearing on May 5, 2009, and counsel has no objection to a substitution of counsel.

Counsel will be available at (206) 919-1856.

DATED this 4th day of May, 2009.



KAAREN L. BARR
Attorney for the Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing COUNSEL'S REQUEST FOR APPEARANCE BY TELEPHONE was hand delivered on the 4th day of May, 2009, addressed as follows:

**Office of the Chief Counsel
Immigration & Customs Enforcement
1000 Second Avenue #2900
Seattle, WA 98104**



Kaaren L. Barr

United States Department of Justice
Executive Office for Immigration Review
Immigration Court
Seattle, Washington

In the Matter of Turgut TARHAN

A Number: 088-737-523

ORDER OF THE IMMIGRATION JUDGE:

Upon consideration of Respondent's COUNSEL'S REQUEST TO APPEAR BY TELEPHONE AT MASTER CALENDAR HEARING, it is HEREBY ORDERED that the motion be GRANTED DENIED because:

- DHS does not oppose the motion.
- The respondent does not oppose the motion.
- A response to the motion has not been filed with the court.
- Good cause has been established for the motion.
- The court agrees with the reasons stated in the opposition to the motion.
- The motion is untimely per _____.
- Other:

Deadlines:

- The application(s) for relief must be filed by _____.
- The respondent must comply with DHS biometrics instructions by _____.

Date

KENNETH JOSEPHSON
Immigration Judge

Certificate of Service

This document was served by: Mail Personal Service
To: Alien Alien c/o Custodial Officer Alien's Atty/Rep DHS
Date: _____ By: Court Staff _____

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
1000 SECOND AVENUE SUITE 2500
SEATTLE, WA 98104

DATE: April 28, 2009

RE: TARHAN, TURGUT

FILE: A# 088-737-523

TO: ATTORNEY BARR ESQ., KAAREN L.

Please take notice that the above captioned case has been scheduled for a **MASTER** INDIVIDUAL hearing before the Immigration Court on May 5, 2009 at 1:00PM 1000 SECOND AVENUE SUITE 2500, COURTROOM 2 SEATTLE, WA 98104

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions: (1) You may be taken into custody by the Department of Homeland Security and held for further action. OR (2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT SEATTLE, WA THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A list of free legal service providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 or 703-305-1662

Application: I-589, E-42B, E-42A, I-485, I-191, other: _____ due by: _____

Attorney brief due by: _____ DHS brief due by: _____

Alien Number: 088-737-523 Alien Name: TARHAN, TURGUT

LIMITATIONS ON DISCRETIONARY RELIEF FOR FAILURE TO APPEAR

1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control* will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. below) for a period of ten (10) years after the date of entry of the final order of removal.
2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control* will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for a period of ten (10) years from the date of your scheduled hearing.
3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

* The term "exceptional circumstances" refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances.

A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:

- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
- 2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
- 3) Adjustment of status or change of status as provided for in Section 245, 248 or 249 of the Immigration and Nationality Act.

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a language he/she understands by the Immigration Judge.
Date: April 28, 2009

Immigration Judge: _____ or Court Clerk: _____

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: _____ MAIL (M) / PERSONAL SERVICE
TO: [] ALIEN [] ALIEN c/o Custodial Officer ALIEN's ATT/REP [X] DHS
DATE: 04/28/09 BY: COURT STAFF RDB V6
Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Biometrics Served [] Other

DEPARTMENT OF JUSTICE
Kaaren L. Barr, Esquire
Law Offices of Kaaren L. Barr: 31
811 First Avenue #200
Seattle, WA 98104
(206) 919-1856
(206) 629-7665 FAX
kaaren@kaarenbarr.com

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
Seattle, Washington

In the Matter of:)
Turgut TARHAN,)
In Removal Proceedings.)

File No: A088-737-523

Immigration Judge: Kenneth Josephson

Next Hearing: MCH 04/28/2009 10 AM


**COUNSEL'S REQUEST TO APPEAR BY TELEPHONE
AT MASTER CALENDAR HEARING**

COMES NOW respondent's counsel and respectfully requests that she be allowed to appear by telephone at the master calendar hearing on April 28, 2009, at 10 a.m. on the grounds and for the reasons that counsel will be in her office in Emmett, Idaho.

Counsel will be available at 206-919-1856 or 208-365-4355.

If respondent has hired new counsel, the undersigned has no opposition and accordingly withdraws this request for appearance by telephone.

DATED this 23rd day of April, 2009.



KAAREN L. BARR
Attorney for the Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing COUNSEL'S REQUEST FOR APPEARANCE BY TELEPHONE was hand-delivered on the 23rd day of April, 2009, addressed as follows:

Office of the Chief Counsel
Immigration & Customs Enforcement
1000 Second Avenue #2900
Seattle, WA 98104



Kaaren L. Barr

United States Department of Justice
Executive Office for Immigration Review
Immigration Court
Seattle, Washington

In the Matter of Turgut TARHAN

A Number: A 088-737-523

ORDER OF THE IMMIGRATION JUDGE:

Upon consideration of COUNSEL'S REQUEST TO APPEAR BY TELEPHONE AT MASTER CALENDAR HEARING, it is HEREBY ORDERED that the motion be GRANTED DENIED because:

- DHS does not oppose the motion.
- The respondent does not oppose the motion.
- A response to the motion has not been filed with the court.
- Good cause has been established for the motion.
- The court agrees with the reasons stated in the opposition to the motion.
- The motion is untimely per _____.
- Other:

Deadlines:

The application(s) for relief must be filed by _____.
The respondent must comply with DHS biometrics instructions by _____.

Date

KENNETH JOSEPHSON
Immigration Judge

Certificate of Service

This document was served by: Mail Personal Service
To: Alien Alien c/o Custodial Officer Alien's Atty/Rep DHS
Date: _____ By: Court Staff _____

CENTRAL WASHINGTON UNIVERSITY

OFFICE OF THE REGISTRAR
400 EAST UNIVERSITY WAY • ELLENSBURG, WA 98926-7465

VERIFICATION LETTER

FICE 0077
CALENDAR SYSTEM QUARTER

THIS VERIFICATION IS VALID ONLY WHEN IT BEARS BOTH THE PRINTED SEAL OF CENTRAL WASHINGTON UNIVERSITY AND THE SIGNATURE OF THE REGISTRAR IN WHITE. IF YOU NEED TO DISCUSS THIS INFORMATION, CALL THE REGISTRAR'S OFFICE AT (509) 941-3030. THIS VERIFICATION SYSTEM IS DESIGNED TO EXPEDITE THE SHARING OF ACADEMIC INFORMATION WITH MANY AGENCIES AND COMPANIES.

TO: Turqut Tarhan
2308 189th Pl SW
Lynnwood, WA 98036-4877

PURSUANT TO THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1976, INFORMATION CONTAINED HEREIN SHALL NOT BE RELEASED TO A THIRD PARTY WITHOUT THE WRITTEN AUTHORIZATION OF THE STUDENT.

Enrollment Verification as of 4/2/2009

Name: Turqut Tarhan

ID Nbr: 22999986

AS OF THE ABOVE DATE, WE ARE VERIFYING THE FOLLOWING ACADEMIC INFORMATION:

Current Program of Study

Career	Academic Program	Exp Comp Dt
Undergraduate	Undergraduate	
Academic Plan	Degree	Design Dt
Business Administration (BS)	BS	03/27/2009
Sub-Plan	General Business	

Enrollment History

Term	Career	Begin Date	End Date	Units	Status
Winter 2007	UGRD	01/03/2007	03/16/2007	9.00	3/4 Time
Spring 2007	UGRD	03/27/2007	06/08/2007	7.00	Half-Time
Summer 2007	UGRD	06/18/2007	08/17/2007	9.00	Less 1/2
Fall 2007	UGRD	09/19/2007	12/07/2007	15.00	Full-Time
Winter 2008	UGRD	01/03/2008	03/14/2008	12.00	Full-Time
Spring 2008	UGRD	03/25/2008	06/06/2008	15.00	Full-Time
Summer 2008	UGRD	06/16/2008	08/15/2008		No Units
Fall 2008	UGRD	09/22/2008	12/12/2008		No Units
Spring 2009	UGRD	03/31/2009	06/12/2009	10.00	3/4 Time

AN OFFICIAL SIGNATURE IS WHITE ON A RED BACKGROUND

REJECT DOCUMENT IF SIGNATURE BELOW IS DISTORTED

This officially sealed and signed verification is printed on red security paper with the name of the university printed across the face of the document. A raised seal is not required. When photocopied, the word VOID should appear. A BLACK ON WHITE OR A COLOR COPY SHOULD NOT BE ACCEPTED.

TRACY R. TERRELL, UNIVERSITY REGISTRAR

NOTE: THE WORDS "SAFE AND VERIFY FIRST" ARE WATERMARKED INTO THE PAPER. HOLD UP TO THE LIGHT TO VERIFY.



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
LYNNWOOD FIELD OFFICE
18710 33rd Avenue West Lynnwood, WA 98037 4750
Voice mail - (425) 771-7322 ** Fax - (425) 771-1766
April 27, 2009

TO: Immigration Judge

FROM: Andrew Votry, Community Corrections Officer 2 (CCO2)

SUBJECT: Tarhan, Turgut Department of Corrections (DOC) #321681

To the Honorable Judge:

Turgut Tarhan is currently supervised by the Washington State Department of Corrections for King County felony cause #AE-07-1-05363-4.

To the best of my knowledge, Mr. Tarhan is compliant with the conditions of his supervision. Some examples are as follows:

- 1) He reports a minimum of twice per month, in person, to the Lynnwood Field Office. There have been no issues and he consistently presents as organized and respectful.
- 2) He submits to random urinalysis testing a minimum of once per month at the Lynnwood Field Office. He has never had a positive UA while under DOC supervision. His most recent clean UA was submitted on 4-9-09.
- 3) He has obtained a sexual deviancy assessment on 4-17-09 and will submit the results of that assessment to his supervising CCO and follow all recommendations of that assessment.

Currently, Mr. Tarhan is a full time student at Central Washington University on the Edmonds Community College campus. He does not have any source of income currently but assists his brother-in-law without pay at his place of employment to offset the burden of housing him and his brother.

If you have additional questions, please call. Thank you.


Andrew Votry, CCO2

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
1000 SECOND AVE., SUITE 2500
SEATTLE, WA 98104

RE: TARHAN, TURGUT
FILE: A088-737-523

DATE: Mar 19, 2009

TO:

BARR ESQ., KAAREN L.
811 FIRST AVENUE, SUITE 200
SEATTLE, WA 98104

Please take notice that the above captioned case has been scheduled for a MASTER hearing before the Immigration Court on Apr 28, 2009 at 10:00 A.M. at:

1000 SECOND AVE., SUITE 2500
SEATTLE, WA 98104

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions: (1) You may be taken into custody by the Department of Homeland Security and held for further action. OR (2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT SEATTLE, WA THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A list of free legal service providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 or 703-305-1662.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
TO: [] ALIEN [] ALIEN c/o Custodial Officer [M] ALIEN's ATT/REP [M] DHS
DATE: 3/19/09 BY: COURT STAFF [M] V3
Attachments: [X] EOIR-33 [] EOIR-28 [] Legal Services List [] Other

Zone

SFR-S-2413

Department of Homeland Security
U.S. Immigration and Customs Enforcement

Notice to EOIR: Alien Address

Date: March 2, 2009

File No: A88 737 523

To: Office of the Immigration Judge
Executive Office for Immigration Review
1623 East "J" Street, Suite 3
Tacoma, WA 98421

From: Field Office Director
Immigration and Customs Enforcement
1623 East "J" Street, Suite 2
Tacoma, WA 98421

Respondent: TARHAN, TURGUT

2009 MAR -4 PM 3: 6
RECEIVED

This is to notify you that this respondent is:

Currently incarcerated by other than DHS. A charging document has been served on the respondent, and an Immigration Detainer-Notice of Action by the DHS (Form I-247) has been filed with the institution shown below. He/she is incarcerated at:

His/her anticipated release date is: _____

Currently detained by DHS at: _____

Currently detained by DHS and transferred this date to a new location: _____

DHS Motion for Change of Venue attached. Yes NO

Released from DHS custody on the following condition(s):

- Personal Recognizance
- Order of Recognizance (Form I-220A)
- Bond in the amount of \$ 30,000.00 Surety bond Cash bond
- Other _____

Upon release from DHS custody, the respondent reported his/her address and telephone number will be:

2308-188 PL SW; LYNNWOOD, WA 98036

Upon release from DHS custody, the respondent was reminded of the requirements contained in Section 239 (a)(1)(F)(ii) of the Immigration and Nationality Act and was provided with an EOIR change of address form (EOIR-33).

Signature-ICE Official

TRACY D. CALFEE

Printed Name of ICE Official

Deportation Officer

Title-ICE Official

Seattle Field Office

Location

Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court

I hereby enter my appearance as attorney or representative for, and at the request of, the following named person(s):

NAME: Torget Tarhan
 (First) (Middle Initial) (Last)

ADDRESS: 1623 East "J" Street
 (Number & Street) (Apt. No.)

Tacoma WA 98421
 (City) (State) (Zip Code)

DATE (mm/dd/yy): 2-25-09

ALIEN NUMBER(S) (List lead alien number and all family member alien numbers, if applicable.)

088-737-523

Please check one of the following:

1. I am a member in good standing of the bar of the highest court(s) of the following state(s), possession(s), territory(ies), commonwealth(s), or District of Columbia:

Full Name of Court	State Bar No. (if applicable)
Washington State 22092	22092
Idaho	4568

(Please use space on the reverse side to list additional jurisdictions.)

I am not (or am - explain fully on reverse side) subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law and the courts listed above comprise all of the jurisdictions (other than federal courts) where I am licensed to practice law.

2. I am an accredited representative of the following qualified non-profit religious, charitable, social service, or similar organization established in the United States, so recognized by the Executive Office for Immigration Review pursuant to 8 C.F.R. § 1292.2 (provide name of organization):

3. I am a law student or law graduate, reputable individual, accredited official, or other person authorized to represent individuals pursuant to 8 C.F.R. § 1292.1 (explain fully on reverse side.)

I have read and understand the statements provided on the reverse side of this form and I declare under the laws of the United States of America that the foregoing is true and correct.

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
 IMMIGRATION COURT
 TACOMA, WASHINGTON
 RECEIVED 2 125 109

SIGNATURE OF ATTORNEY OR REPRESENTATIVE <u>X</u> <u>Kaaren L. Barr</u>	EOIR ID# WSBA 22092	PHONE NUMBER (with area code) 206-919-1856	DATE (mm/dd/yy) <u>2-25-09</u>
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NAME OF ATTORNEY OR REPRESENTATIVE (type or print) KAAREN L. BARR Law Offices of Kaaren L. Barr	ADDRESS 811 First Ave #200 Seattle WA 98104	<input type="checkbox"/> Check here if new address
---	---	--

Certificate of Service

KAAREN L. BARR

(Name)

mailed or delivered a copy of the foregoing on

2-25-09
(Date-mm/dd/yy)

to the DHS

(U.S. Immigration and Customs Enforcement - ICE) at

1623 East "J" Street, #2, Tacoma, WA 98421

(Number and Street, City, State, Zip Code)

X



Signature of Attorney or Representative

(Note: Alien may be required to sign Acknowledgement and Consent below.)

The Privacy Act of 1974 requires that if the person being represented is or claims to be a citizen of the United States or an alien lawfully admitted for permanent residence, he/she must sign the portion below.

I HEREBY ACKNOWLEDGE THAT THE ABOVE-NAMED ATTORNEY OR REPRESENTATIVE REPRESENTS ME IN THESE PROCEEDINGS AND I CONSENT TO THE DISCLOSURE TO HIM/HER OF ANY RECORDS PERTAINING TO ME WHICH APPEAR IN ANY EOIR SYSTEM OF RECORDS.

NAME OF PERSON CONSENTING

SIGNATURE OF PERSON CONSENTING

DATE (mm/dd/yy)

X

APPEARANCES - An appearance shall be filed on a Form EOIR-28 by the attorney or representative appearing in each case before an Immigration Judge (see 8 C.F.R. § 1003.17). When an appearance is made by a person acting in a representative capacity, his/her personal appearance or signature shall constitute a representation that, under the provisions of 8 C.F.R. part 1003, he/she is authorized and qualified to represent individuals. Thereafter, substitution or withdrawal may be permitted upon the approval of the Immigration Judge of a request by the attorney or representative of record in accordance with 8 C.F.R. § 1003.17(b). Please note that appearances for limited purposes are not permitted. See *Matter of Velasquez*, 19 I&N Dec. 377, 384 (BIA 1986). A separate appearance form (Form EOIR-27) must be filed with an appeal to the Board of Immigration Appeals (see 8 C.F.R. § 1003.38(g)). Further proof of authority to act in a representative capacity may be required.

AVAILABILITY OF RECORDS - During the time a case is pending, a party to a proceeding or his/her attorney or representative shall be permitted to examine the Record of Proceeding in the Immigration Court having administrative control over the Record of Proceeding, in accordance with the standard procedures of that Court.

REPRESENTATION - A person entitled to representation may be represented by any of the following:

- (1) Attorneys in the United States as defined in 8 C.F.R. § 1001.1(f).
- (2) Law students and law graduates not yet admitted to the bar as defined in 8 C.F.R. § 1292.1(a)(2).
- (3) Reputable individuals as defined in 8 C.F.R. § 1292.1(a)(3).
- (4) Accredited representative as defined in 8 C.F.R. § 1292.1(a)(4).
- (5) Accredited officials as defined in 8 C.F.R. § 1292.1(a)(5).

ADDITIONAL INFORMATION:

(Please attach additional sheets of paper if necessary.)

NOTE: THIS FORM MAY NOT BE USED TO REQUEST RECORDS UNDER THE FREEDOM OF INFORMATION ACT OR THE PRIVACY ACT. THE MANNER OF REQUESTING SUCH RECORDS IS CONTAINED IN 28 C.F.R. § 16.1-16.11 AND APPENDICES.

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete this form is six (6) minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

02

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID : 276799137

FIN #: 1059674598

File No: A088 737 523

DOB: 08/27/1984

Event No: SEA0902000204

In the Matter of: Turgut TARHAN

Respondent: _____ currently residing at:

1623 EAST J STREET SUITE 5 , TACOMA WASHINGTON 98421

(253) 779-6000

(Number, street, city and ZIP code)

(Area code and phone number)

- 1. You are an arriving alien.
- 2. You are an alien present in the United States who has not been admitted or paroled.
- 3. You have been admitted to the United States, but are removable for the reasons stated below.

2009 FEB 24 PM 3:49

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of TURKEY and a citizen of TURKEY;
3. You were admitted to the United States at Seattle, WA on 03 SEPT 2003 as a nonimmigrant student to attend Central Washington University in Seattle, WA ;
4. You did not attend Central Washington University from 22 SEPT 2008 to 16 DEC 2008.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 237(a)(1)(C)(i) of the Immigration and Nationality Act (Act), as amended, in that after admission as a nonimmigrant under Section 101(a)(15) of the Act, you failed to maintain or comply with the conditions of the nonimmigrant status under which you were admitted.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30(f)(2) 8CFR 235.3(b)(5)(iv)

RECEIVED DEPARTMENT OF JUSTICE
09 MAR 02 AM 10:42
FEDERAL BUREAU OF INVESTIGATION
IMMIGRATION COURT
SEATTLE WASHINGTON

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:
1623 E J Street #3 Tacoma WASHINGTON US 98421

on a date to be set at a time to be set to show why you should not be removed from the United States based on the charge(s) set forth above.
(Date) (Time)
LISA MCDANIEL Supv. Detention Deportation Officer
(Signature and Title of Issuing Officer)

Date: February 19, 2009 SEATTLE, WA (City and State)

See reverse for important information

KS EX1

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

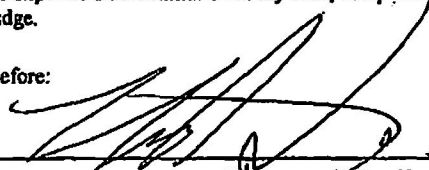
Failure to appear: You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.


Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to one of the offices listed in 8 CFR 241.16(a). Specific addresses on locations for surrender can be obtained from your local DHS office or over the internet at <http://www.ice.gov/about/dro/contact.htm>. You must surrender within 30 days from the date the order becomes administratively final, unless you obtain an order from a Federal court, immigration court, or the Board of Immigration Appeals staying execution of the removal order. Immigration regulations at 8 CFR 241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Act.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to a 10-day period prior to appearing before an immigration judge.

Before:


G-225 IFA
(Signature and Title of Immigration Officer)

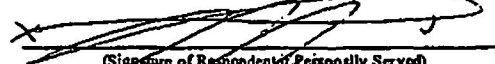
X 
(Signature of Respondent)
Date: 2/20/09

Certificate of Service

This Notice To Appear was served on the respondent by me on 2/20/2009 in the following manner and in compliance with section 239(a)(1)(F) of the Act.

- in person by certified mail, returned receipt requested by regular mail
- Attached is a credible fear worksheet.
- Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the ENGLISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.


(Signature of Respondent if Personally Served)

MATTHEW NELSON IMMIGRATION ENFORCEMENT AGENT
(Signature and Title of officer)