

FILE 4: USING ANOTHER APPROACH TO REFERENCING VIDEO EVIDENCE
IN YOUR FILINGS: SAMPLE FROM THE MOTION TO ACCEPT LATE-FILED
DOCUMENTS IN A NON-LPR CANCELLATION OF REMOVAL CASE

The motion here was prepared by the
immigration attorney after receiving
last-minute video evidence that proved a
centrally relevant point in her client's case:
that her client was a victim of domestic
violence at the hands of their USC spouse.

Meghan McCarthy
Brooklyn Defender Services
180 Livingston Street, 3rd Floor
Brooklyn, NY 11201

DETAINED

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
NEW YORK IMMIGRATION COURT
201 VARICK STREET
NEW YORK, NEW YORK 10014

In the Matter of

Respondent

In Removal Proceedings

File No.: A#

Immigration Judge Cortes
Hearing Date: September 12, 2019, 1:00pm

RESPONDENT'S MOTION TO ACCEPT LATE-FILED DOCUMENTS

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RESPONDENT'S MOTION TO ACCEPT LATE-FILED EVIDENCE

Respondent, , through undersigned Counsel, respectfully moves the Court to accept additional evidence in support of his application for VAWA cancellation of removal pursuant to Immigration Court Practice Manual 3.1(d)(ii):

1. Respondent was last before your honor on September 9, 2019, during which time the court held the individual hearing on ' applications for relief. At the conclusion of testimony, the court indicated that it would permit the submission of additional evidence including testimony of Dr. Forman and an update as to the disposition of criminal case which was set for hearing on September 10, 2019.
2. Counsel has attached a letter from Navarro Gray, ' criminal defense attorney indicating that the charge will very likely be dismissed at the next court date within the next two weeks. Exhibit A.

3. Additionally, during the evening of September 10, 2019 counsel for respondent received a video recording of an incident that transpired between [REDACTED] and [REDACTED], an incident which had been testified to during proceedings on September 9, 2019. The video is a recording of an event depicting [REDACTED] yelling very loudly at [REDACTED] while waving a very long white stick and banging it on the ground very violently.
4. Counsel for respondent only just received this video from [REDACTED] family members when she was in New Jersey visiting other detained clients and had absolutely no ability to submit it prior to this date, September 12, 2019.
5. Additionally, the video was only just discovered by respondent's family member in his social media account and was not available prior to this date.
6. The video is directly relevant to the issue at hand in these proceedings and is a credible presentation of the violence perpetrated by [REDACTED] against [REDACTED].
7. Wherefore, it is respectfully requested that the Court excuse Counsel's delay and permit counsel to present the video evidence as it only just became available and is credible and directly relevant to the proceedings.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

September 12, 2019
New York, New York

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Description of relevant events contained in the video

Pointing to relevance and trustworthiness of the evidence