

mony to exorcize demons. Park received a sentence of three years in state prison.

B. Crime of Violence

Any alien -- including a legal, permanent resident alien -- who is convicted of an "aggravated felony " at any time after admission to this country is deportable under 8 U.S.C. § 1251(a)(2)(A)(iii), now codified at 8 U.S.C. § 1227(a)(2)(A)(iii). The statutory definition of "aggravated felony" does

3 Immigration proceedings initiated by the INS before IIRIRA's general effective date of April 1, 1997, but where the final deportation or exclusion order is filed after October 30, 1996, are governed by interim transitional rules. See

property of another, or

4 We acknowledged in Springfield that § 924(c)(3)(A) did not apply because the "use, attempted use, or threatened use of physical force" is not an element of involuntary manslaughter. 829 F.2d at 862-63.

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(B) that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

With the exception of the placement of "an offense that is a felony," the wording of § 924(c)(3)(B) is identical to the wording of § 16(b).

that the circumstances existed." S.Rep. No. 307, 97th Cong., 1st Sess. 890-91 (1982).

829 F.2d at 863 n.1. Review of this legislative history, however, shows that the quote actually describes a proposed, but never enacted, statute, 18 U.S.C. § 1823, intended as a substitute for § 924(c). Moreover, the quote refers not to the state of mind for a "crime of violence," but rather to the state of mind for use, possession, or display of certain weapons. See S. Rep. No. 307, 97th Cong., 1st Sess. 887-92 (1982). See ~~the Honorable Anthony, et al., California Criminal Law and~~ Immigration App. 9-E (Immigrant Legal Resource Center, San Francisco, 1999 ed.).

§ 4B1.2(1)(i), with language identical to§ 16(a) -- "use of

the conduct of the accused must be such a departure
from what would be the conduct of an ordinarily

one year" upon its enactment on September 30, 1996. Park pled guilty and was convicted of involuntary manslaughter on May 23, 1996, and was sentenced to a three-year prison term. Thus, even if involuntary manslaughter is categorically a "crime of violence," Park's offense would not have qualified as an "aggravated felony" under the pre-IIRIRA definition.

IIRIRA, however, clearly states, and we have so held, that the modified definition of "aggravated felony" applies retroactively to all defined offenses, regardless of the date of conviction. See IIRIRA § 321(b) (codified at 8 U.S.C. § 1101(a)(43)) ("Notwithstanding any other provision of law (including any effective date), the term applies regardless of

fiabile risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that, considering the nature and purpose of the actor's conduct and the circumstances known to him, its disregard involves a gross
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