COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT

DAR NO. _____
APPEALS COURT NO. 2025-P-0614

COMMONWEALTH

v.

SAMBATH CHHIENG

DEFENDANT'S APPLICATION FOR DIRECT APPELLATE REVIEW

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MAY 2025

REQUEST FOR DIRECT APPELLATE REVIEW

The defendant, Sambath Chhieng, requests that the Supreme Judicial Court (SJC) consider his appeal on direct appellate review. This case raises an issue of first impression regarding the operation of the judicial immigration warning statute codified at G. L. c. 278, s. 29D. Pursuant to this statute, judges are required to advise a defendant who is tendering a guilty plea or an admission to sufficient facts that their plea or admission may have consequences of deportation, exclusion from admission, or denial of naturalization. In *Commonwealth v. Grannum*, 457 Mass. 128 (2010), the SJC ruled that, if the judge does not advise the defendant in accordance with the 29D statute, the defendant is entitled to withdraw his plea or admission if he can show "either that the federal government has taken some step toward deporting him or that its express written policy calls for the initiation of deportation proceedings against him." *Id.* at 136 (emphasis added). Neither the SJC nor the Appeals Court has ever addressed what is required to establish that the federal government has such a policy.

The defendant's appeal presents a prime opportunity to address this issue. There is no question that the plea judge failed to

properly advise the defendant in accordance with the 29D statute. There is also no question that the defendant is deportable as a result of his admission to sufficient facts in this case. The primary question is whether the defendant established that the federal government has an express written policy that calls for the initiation of deportation proceedings against him. To satisfy his burden on this point, the defendant introduced an executive order signed by President Trump that is entitled, "Protecting the American People Against Invasion."[1] This executive order explicitly states that it is now the policy of the federal government to execute the immigration laws against all deportable noncitizens. In light of this order, the defendant argued that he was entitled to relief because the federal government's express written policy calls for the initiation of deportation proceedings against him. The motion judge disagreed and ruled that the defendant was not entitled to relief pursuant to the 29D statute.

[1] *Protecting the American People Against Invasion*, Executive Order 14159, 90 Fed. Reg. 8443 (Jan. 20, 2025). A copy of this executive order is appended to this application at pages 30 to 35.

The question left unresolved in *Grannum* is squarely presented to the Court in this case: What must the defendant show to establish that the federal government's express written policy calls for the initiation of deportation proceedings against him? This is a critically important issue given the uptick in immigration enforcement under the new presidential administration. The SJC should take this case because it is both an issue of first impression as well as an issue of significant public interest.

STATEMENT OF PRIOR PROCEEDINGS

The Peabody District Court issued a criminal complaint against the defendant on April 14, 2015.[2] (R. 3). The complaint charged the defendant with (1) possession with intent to distribute a class B substance and (2) distribution of a class B substance. (R. 3). The defendant tendered an admission to sufficient facts on May 18, 2015. (R. 5). The plea judge (Mori, J.) accepted the defendant's admission to sufficient facts and continued the case without a finding for 18 months. (R. 5).

[2] The citations in this section are primarily to the defendant's record appendix that he filed with the Appeals Court. The appendix will be cited by page number as (R. _).

The defendant filed a motion to withdraw his admission to sufficient facts on February 25, 2025. (R. 7). He asserted that he was entitled to withdraw his admission to sufficient facts because the plea judge's immigration warning failed to comport with G. L. c. 278, s. 29D. (R. 31). A hearing on the defendant's motion was held on March 26, 2025. (R. 7). The motion judge (Patten, J.) took the matter under advisement at the end of the hearing.[3] (R. 7). The motion judge issued a written decision denying the motion on April 9, 2025.[4] (R. 10-12). The defendant filed a motion to reconsider on April 15, 2025. (R. 7). The motion judge summarily denied the motion to reconsider in a margin endorsement on April 16, 2025. (R. 9). The defendant filed a timely notice of appeal. (R. 7-8).

The Appeals Court docketed the case on May 15, 2025. The defendant filed his brief and record appendix on May 16, 2025.

[3] The motion judge was not the plea judge. The plea judge retired before the defendant filed his motion.

[4] In addition to being in the record appendix, the motion judge's decision is appended to this application. It is at pages 26 to 28.

STATEMENT OF FACTS

The following narrative summarizes the facts that are relevant to the issue raised in this application. These facts are derived from the filings and evidence introduced in the trial court.

A. The Defendant's Life Before His Admission to Sufficient Facts.

The defendant was born in a refugee camp in Thailand on January 1, 1980. (R. 51). His family was living in the refugee camp after having fled the genocide perpetuated by the Khmer Rouge in Cambodia.[5] (R. 51). His family consisted of his mother, his sister, and his aunt. (R. 51). The defendant's mother lost many of her relatives to the atrocities of the Khmer Rouge. (R. 51). The defendant lived in the refugee camp along with his family for the first few years of his life. (R. 51). The defendant and his family were admitted to the United States as refugees in November 1983. (R. 51). The defendant was three years old at the time. (R. 51). The defendant's status was later adjusted to that of a legal permanent resident in 1986. (R. 51).

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[5] *See generally* Elizabeth Becker, *When the War was Over: Cambodia and the Khmer Rouge Revolution* (Public Affairs 1986) (providing history of Cambodian genocide).

The defendant's family initially lived in Chelsea after their arrival in the United States in 1983. (R. 52). The family lived in Chelsea until approximately 1985 and then they moved to Lynn. (R. 52). The family settled in Lynn and the defendant lived there for the rest of his childhood. (R. 52). The defendant attended public schools in Lynn and started to work full-time while he was still a teenager. (R. 52). He worked various jobs as he grew from a teenager into an adult. (R. 52).

The defendant got married in 2014. (R. 53). Despite this happy moment, this was a time of significant hardship for the defendant and his wife. (R. 53). The defendant's wife was diagnosed with breast cancer and was undergoing rigorous treatment to combat it. (R. 53). Meanwhile, the defendant was doing everything he could to support his wife. (R. 53). He was working multiple jobs. (R. 53). Much of the money that he earned was going towards his wife's medical bills. (R. 53). The defendant was barely able to make ends meet as the medical bills became more significant. (R. 53). He spent many nights sleeping next to his wife's hospital bed at Massachusetts General Hospital in Boston. (R. 53).

B. The Instant Case.

On April 14, 2015, the defendant was charged with possession with intent to distribute a class B substance and distribution of a class B substance. (R. 3). The defendant tendered an admission to sufficient facts in exchange for a continuance without a finding on May 18, 2015. (R. 5). At the plea hearing, the judge advised the defendant as follows:

> [S]ir, if you're not a citizen of the United States, a conviction of these offenses may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization.[6]

(R. 64).

The judge accepted the defendant's admission to sufficient facts and continued the case without a finding for eighteen months. (R. 5, 70-71).

C. The Removal Proceedings.

The months following the defendant's admission to sufficient facts were the most difficult of his life. (R. 53). The defendant's wife passed away from breast cancer on September 7, 2015. (R. 53). The

[6] A transcript of the plea hearing is included in the defendant's record appendix that he filed with the Appeals Court. (R. 61-76).

defendant was devastated by her passing. (R. 53). Unfortunately, the hardship did not end there. (R. 53). On October 27, 2015, agents with Immigration and Customs Enforcement (ICE) came to the defendant's apartment in Lynn. (R. 53). They arrested him and took him to the ICE Regional Field Office in Burlington. (R. 53). While in Burlington, the defendant was served with a notice to appear.[7] (R. 53). The notice stated that the federal government intends to deport the defendant to Cambodia based on his admission to sufficient facts from a few months earlier. (R. 77-79). The defendant was detained and sent to the Bristol County House of Corrections as removal proceedings commenced against him. (R. 54).

The defendant spent a few months in ICE custody. (R. 54). He was subsequently released on a bond. (R. 54). Having been released from ICE custody, the defendant returned to Lynn and attempted to piece his life back together with the removal proceedings continuing to hang over his head. (R. 54). The defendant repeatedly attempted to find an immigration attorney to represent him in his removal

[7] A notice to appear is the formal document by which the federal government initiates removal proceedings.

case, but he simply did not have the financial resources to hire one. (R. 54). Finally, in September 2024, he was able to obtain representation through a nonprofit organization located in Lynn. (R. 54). The defendant's immigration attorney filed a motion to terminate the removal proceedings against him because the notice to appear failed to state the date and time for the defendant's initial hearing. (R. 54, 80-81). This was a technical defect in the notice to appear and thus the Immigration Court terminated the removal proceedings without prejudice on January 2, 2025.[8] (R. 54, 80-81).

D. The Defendant's Motion to Withdraw his Admission to Sufficient Facts.

Though the removal proceedings were terminated, the federal government could reinstate them by filing a new notice to appear with a specific date and time for the initial hearing. (R. 54-55, 80-81). Seeking to avoid this outcome, the defendant filed a motion to withdraw his admission to sufficient facts on February 25, 2025. (R. 31-32). The defendant argued that he was entitled to withdraw his admission to sufficient facts because the plea judge failed to advise

[8] *See Matter of Fernandes*, 28 I. & N. Dec. 605, 606-616 (BIA 2022) (concluding that lack of time and date renders notice to appear defective).

him that such an admission could result in deportation as required by G. L. c. 278, s. 29D. (R. 33-50). Relying on *Commonwealth v. Marques*, 84 Mass. App. Ct. 203 (2013), the defendant explained that the plea judge's immigration warning was inadequate because he advised the defendant that a conviction might result in deportation instead of advising the defendant that an admission to sufficient facts may result in deportation. (R. 45-46). Having established the inadequacy of the plea judge's warning, the defendant asserted that he faced the actual prospect of deportation because the federal government had previously initiated removal proceedings against him based on his admission to sufficient facts. (R. 47-49). He highlighted the fact that the removal proceedings were terminated without prejudice and that the federal government was free to reinitiate the proceedings by filing a new notice to appear with a specific date and time for the initial hearing. (R. 47-49). To establish that this was more than a hypothetical possibility, the defendant emphasized President Trump's vow to "launch the

largest deportation program of criminals in the history of America."[9] (R. 49).

A hearing on the defendant's motion was held on March 26, 2025. (R. 7). The Commonwealth opposed the motion, arguing that the risk of deportation was merely hypothetical.[10] (Mot. Hrg. 3, 5). The motion judge took the matter under advisement at the end of the hearing. (Mot. Hrg. 9). The motion judge issued a written decision denying the defendant's motion on April 9, 2025. (R. 10-12). The motion judge concluded that the plea judge's immigration warning failed to comport with the 29D statute because he did not advise the defendant that an admission to sufficient facts could result in deportation. (R. 11-12). However, the motion judge further concluded that the defendant faced "nothing more than a hypothetical risk" of deportation. (R. 12). The motion judge reasoned that, if the federal government intended to reinitiate removal proceedings against the defendant, it would have done so

[9] *See* Steve Inskeep, *Trump Promises a Mass Deportation on Day One*, Morning Edition (NPR Radio Broadcast, Nov. 14, 2024) (quoting President Trump's remarks from campaign).

[10] The transcript of the motion hearing will be cited by page number as (Mot. Hrg. _). It is docketed with the Appeals Court.

already. (R. 12).

E. The Defendant's Motion to Reconsider.

The defendant filed a motion to reconsider on April 15, 2025. (R. 7). Relying on *Commonwealth v. Grannum*, 457 Mass. 128 (2010), the defendant asserted that he faces the actual prospect of deportation because the federal government has an express written policy that calls for the initiation of removal proceedings against him. (R. 13-16). To establish the existence of such a policy, the defendant introduced an executive order signed by President Trump on January 20, 2025.[11] (R. 18-23). The executive order is entitled, "Protecting the American People Against Invasion", and it states that it is now the policy of the federal government to execute the immigration laws against all deportable noncitizens. (R. 18). In light of this order, the defendant argued that he faces the actual prospect of deportation and is therefore entitled to withdraw his admission to sufficient facts. (R. 14-16). The motion judge summarily denied the defendant's motion to reconsider in a margin endorsement on April 16, 2025. (R. 9).

[11] In addition to being in the record appendix, a copy of the executive order is appended to this application at pages 30 to 35

ISSUE OF LAW RAISED BY THE APPEAL

This case raises an important issue of first impression: What must the defendant show to establish that the federal government has an express written policy that calls for the initiation of deportation proceedings against him? This issue was raised in the lower court and is therefore preserved for appellate review.

ARGUMENT IN SUPPORT OF THE DEFENDANT'S POSITION

In *Commonwealth v. Grannum*, 457 Mass. 128 (2010), the SJC recognized that a defendant who was not properly advised in accordance with G. L. c. 278, s. 29D, is not automatically entitled to relief under the statute simply because his guilty plea or admission to sufficient facts renders him statutorily eligible for deportation. *Id.* at 134. The Court ruled that a defendant "must show more than a hypothetical risk of such a consequence, but that he actually faces the prospect of its occurring." *Id.* at 134. The Court noted that this burden cannot be satisfied by simply showing that "the challenged conviction forms a statutory basis for [deportation]." *Grannum*, 457 Mass. at 135-136. The Court held that the defendant must instead show "either that the federal government has taken some step

toward deporting him or that its express written policy calls for the initiation of deportation proceedings against him." *Id.* at 136.

The executive order proffered by the defendant is proof that the federal government has an express written policy that calls for the initiation of deportation proceedings against him. The executive order is entitled, "Protecting the American People Against Invasion." (R. 18). It was issued by President Trump on January 20, 2025. (R. 18). The order states as follows:

> It is the policy of the United States to faithfully execute the immigration laws against all inadmissible and removable aliens, particularly those aliens who threaten the safety or security of the American people. Further, it is the policy of the United States to achieve the total and efficient enforcement of those laws, including through lawful incentives and detention capabilities.

Protecting the American People Against Invasion, Executive Order 14159, 90 Fed. Reg. 8443 (Jan. 20, 2025) (emphasis added). (R. 18). As is highlighted by the emphasized language, the executive order leaves no room for prosecutorial discretion. It is now the federal government's policy to execute the immigration laws against all removable noncitizens. This is a departure from the policy of prior administrations. Previous administrations adopted policies that acknowledged the impracticality of initiating removal proceedings

against all removable noncitizens and therefore targeted certain categories of noncitizens for removal.[12] The executive order eliminated this targeted approach. It is now the express written policy of the federal government to initiate removal proceedings against any and all removable noncitizens. In accordance with this policy, the defendant faces the actual prospect of deportation.

The executive order is exactly the type of document that should suffice to satisfy the "express written policy" standard. It is explicit. It is in writing. And, most importantly, it was signed by President Trump. This is not a policy directive promulgated by a mid-level official within the Department of Homeland Security. This is an executive order signed by the President of the United States. The order states that "[i]t is the policy of the United States to

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[12] *See United States v. Texas*, 599 U.S. 670, 714 (2023) (Alito, J., dissenting) (describing how Biden administration prioritized certain categories of noncitizens for removal); *Florida v. United States*, 540 F. Supp. 3d 1144, 1148 n.2 (M.D. Fla. 2021) (detailing immigration enforcement priorities under first Trump administration); *Commonwealth v. Valdez*, 475 Mass. 178, 180-181 (2016) (discussing how Obama administration prioritized certain categories of noncitizens for removal). *See generally* Andrew R. Arthur, *A Brief History of Immigration Enforcement Guidelines and Restrictions*, Center for Immigration Studies (Dec. 23, 2024), available at https://cis.org/report/brief-history-immigration-enforcement-guidelines-and-restrictions.

faithfully execute the immigration laws against all inadmissible and removable aliens." (R. 18). If this executive order is not sufficient to establish that the federal government has an express written policy that calls for the initiation of deportation proceedings against the defendant, then it is difficult to imagine what type of document would ever suffice to satisfy this standard.

Satisfying the "express written policy" standard should not be an unachievable task, as this would cut against the legislative purpose of the 29D statute. The statute was designed to provide a remedy for noncitizens who were not properly advised by the plea judge they may face immigration consequences as a result of their guilty plea or admission to sufficient facts. For noncitizens facing deportation, this remedy is only helpful if it can be obtained before deportation occurs. The "express written policy" standard serves the purpose behind the statute because it allows noncitizens who face the actual prospect of deportation to obtain the remedy before removal proceedings have commenced against them. Yet if the "express written policy" standard is set impossibly high, then noncitizens will only be able to obtain the remedy if the federal government "has taken some step towards deporting [them]."

Grannum, 457 Mass. at 136. This dramatically limits the practical availability of the remedy and thus detracts from the statutory purpose.[13] Once the federal government has taken some step towards deporting a noncitizen, it can be very difficult to pursue post-conviction relief.[14] Many noncitizens are detained in ICE custody throughout the pendency of their removal proceedings. In recent months, ICE has frequently initiated removal proceedings by arresting noncitizens and whisking them away to detention facilities in Louisiana.[15] Of course, it is logistically challenging to pursue post-conviction relief in Massachusetts while sitting in a jail cell in Louisiana. A noncitizen who was not properly advised about the possibility of deportation should not be required to wait until they

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[13] *See Commonwealth v. Valdez*, 475 Mass. 178, 187 (2016) (recognizing that legislative purpose behind the 29D statute is hindered when practical availability of remedy is diminished).

[14] *See Grannum*, 457 Mass. at 136 n.14 (concluding that noncitizen "need not wait until a [removal] proceeding has actually commenced" to seek relief under the statute because "practical considerations may make it difficult or impossible" for a noncitizen in removal proceedings "to challenge his conviction before it results in his deportation").

[15] *See* Samantha J. Gross, *Like Other Detainees, Student Sent Far Away; Use of Isolated Locales Now Common*, The Boston Globe (Apr. 3, 2025) (describing how ICE has adopted practice of detaining noncitizens in facilities far away from their places of residence).

are in this perilous situation before they can seek the remedy offered by the 29D statute.

This is why the SJC adopted the "express written policy" standard" in *Grannum*. The standard allows noncitizens to prove that they face the actual prospect of deportation before they are in the dire straits of removal proceedings. Having never addressed what is required to satisfy the "express written policy" standard, the Court should clarify that the standard is no more burdensome than what was spelled out in *Grannum*. The standard is satisfied if the defendant shows that (1) the federal government (2) has an express written policy (3) that calls for the initiation of deportation proceedings against him. President Trump's executive order meets all of these requirements. The Court should rule that the defendant satisfied the "express written policy" standard and that he is therefore entitled to withdraw his admission to sufficient facts pursuant to the 29D statute.

WHY DIRECT APPELLATE REVIEW IS APPROPRIATE

This is both a novel issue of first impression and an issue of substantial public interest. Neither the SJC nor the Appeals Court has ever clarified what is required to satisfy the "express written

policy" standard that was created in *Grannum*. Resolution of this issue is critically important in the current moment, as the federal government is moving swiftly to deport noncitizens with criminal convictions. Noncitizens who were not properly advised about deportation in accordance with G. L. c. 278, s. 29D, need some clarity as to what they must show in order to satisfy the "express written policy" standard. Without further clarification of the standard, these noncitizens are left unsure of whether they are entitled to relief pursuant to the statute. The SJC should take this opportunity to resolve the uncertainty about what is required to satisfy the "express written policy" standard.

CONCLUSION

For the reasons set forth above, the Court should allow the defendant's application for direct appellate review.

Respectfully Submitted,
SAMBATH CHHIENG
By His Attorney,

/s/ Edward Crane /s/
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Dated: 5/19/25

APPENDIX TABLE OF CONTENTS

CRIMINAL DOCKET

DOCKET NUMBER	NO. OF COUNTS	Trial Court of Massachusetts District Court Department
1586CR000462	2	

DEFENDANT NAME AND ADDRESS	DOB	GENDER	COURT NAME & ADDRESS
Sambath Chhieng 74 Moulton Street Apt.2 Lynn, MA 01905	01/01/1980	Male	Peabody District Court 1 Lowell Street Peabody, MA 01960
	DATE COMPLAINT ISSUED 04/14/2015		
	PRECOMPLAINT ARREST DATE 04/13/2015		INTERPRETER REQUIRED

FIRST FIVE OFFENSE COUNTS

COUNT	CODE	OFFENSE DESCRIPTION	OFFENSE DATE
1	94C/32A/G	DRUG, POSSESS TO DISTRIB CLASS B c94C §32A(a)	04/13/2015
2	94C/32A/E	DRUG, DISTRIBUTE CLASS B c94C §32A(a)	04/13/2015

150 fee

co-dft. C. Bentolino 15-464

DEFENSE ATTORNEY	OFFENSE CITY/TOWN	POLICE DEPARTMENT
AD Woods SK	Peabody	Peabody PD

DATE & JUDGE	DOCKET ENTRY	DATE & JUDGE	FEES IMPOSED
4.14.15 Mor	☑ Attorney appointed (SJC R. 3:10) ☐ Atty denied & Deft. Advised per 211 D §2A ☐ Waiver of Counsel found after colloquy	4-14-15	Counsel Fee (211D § 2A¶2) $ 150 — ☐ WAIVED
	Terms of release set: ☑ PR ☐ Bail ☐ See Docket for special condition ☐ Held (276 §58A)		Counsel Contribution (211D § 2) $ ☐ WAIVED
			Default Warrant Fee (276 § 30¶1) $ ☐ WAIVED
			Default Warrant Arrest Fee (276 § 30 ¶2) $ ☐ WAIVED
	Arraigned and advised: ☑ Potential of bail revocation (276 §58B) ☐ Right to bail to review (276 §58) ☐ Right to drug exam (111E § 10) ☐ Inquiry made by Court under 276 § 56A		Probation Supervision Fee (276 § 87A) $ ☐ WAIVED
			Bail Order Forfeited
			Advised of right to jury trial: ☐ Waiver of jury found after colloquy ☐ Does not waive
	Abuse Allegation: ☐ C276 § 56A form filed by Commonwealth ☐ Allegation of abuse under C276 § 56A found ☐ No allegation of abuse under C276 § 56A found		Advised of trial rights as pro se (Dist. Ct. Supp.R.4)
			Advised of right of appeal to Appeals Ct. (M.R. Crim P.R. 28)

SCHEDULING HISTORY

NO.	SCHEDULED DATE	EVENT	RESULT	JUDGE	TAPE START/ STOP
1	04/14/2015	Arraignment	☐ Held ☐ Not Held but Event Resolved ☐ Cont'd 5-18-15 PT	Mori	
2	5-18-15	PT	☐ Held ☐ Not Held but Event Resolved ☐ Cont'd 8-24-15 C/S	Mori	
3	8-24-15	c/s	☐ Held ☐ Not Held but Event Resolved ☐ Cont'd 10-27-15 Dang or c/s	Mori	
4	11-10-15	VOP/PH	☐ Held ☐ Not Held but Event Resolved ☐ Cont'd 1-12-16 VOP	Mori	
5	1-12-16	VOP/PH	☐ Held ☐ Not Held but Event Resolved ☐ Cont'd 3.8.16 VOP	Barretto	
6	3-8-16	VOP	☐ Held ☐ Not Held but Event Resolved ☐ Cont'd 3.29.16 VOP	Mori	
7	3-25-16	DRH	☐ Held ☐ Not Held but Event Resolved ☐ Cont'd 4-27-16 VOP	Mori	
8	11-30-16	VOP	☐ Held ☐ Not Held but Event Resolved ☐ Cont'd 2-21-17 VOP	Mori	
9	2-21-17	VOP	☐ Held ☐ Not Held but Event Resolved ☐ Cont'd 3-21-17 VOP	Barretto	
10	3.21.17	VOP	☐ Held ☐ Not Held but Event Resolved ☐ Cont'd 4.20.17 VOP	Mori	

APPROVED ABBREVIATIONS

ARR = Arraignment PTH = Pretrial hearing DCE = Discovery compliance & jury selection BTR = Bench trial JTR = Jury trial PCH = Probable cause hearing MOT = Motion hearing SRE = Status review SRP = Status review of payments FAT = First appearance in jury session SEN = Sentencing CWF = Continuance-without-finding scheduled to terminate PRO = Probation scheduled to terminate DFTA = Defendant failed to appear & was defaulted WAR = Warrant issued WARD = Default warrant issued WR = Warrant or default warrant recalled PVH = probation revocation hearing.

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Version 2.0 - 11/06

CRIMINAL DOCKET - OFFENSES

DEFENDANT NAME: Sambath Chhieng

DOCKET NUMBER: 1586CR000462

COUNT / OFFENSE: 1 DRUG, POSSESS TO DISTRIB CLASS B c94C §32A(a)

DISPOSITION DATE AND JUDGE: 5-18-15 MOL

DISPOSITION METHOD
- ☐ Guilty Plea or ☒ Admission to Sufficient Facts accepted after colloquy and 278 §29D warning
- ☐ Bench Trial
- ☐ Jury Trial
- ☐ Dismissed upon:
  - ☐ Request of Commonwealth ☐ Request of Victim
  - ☐ Request of Defendant ☐ Failure to prosecute
  - ☐ Other:
- ☐ Filed with Defendant's consent
- ☐ Nolle Prosequi
- ☐ Decriminalized (277 §70 C)

FINE/ASSESSMENT	SURFINE	COSTS	OUI §24D FEE	OUI VICTIMS ASMT
HEAD INJURY ASMT	**RESTITUTION**	**V/W ASSESSMENT**	**BATTERER'S FEE**	**OTHER**
		90		150 DRUG ANALYSIS

SENTENCE OR OTHER DISPOSITION
- ☒ Sufficient facts found but continued without a finding until: 11-14-2016
- ☐ Defendant placed on probation until: PSF/#65
  - ☐ Risk/Need or OUI ☐ Administrative Supervision
- ☐ Defendant placed on pretrial probation (276 §87) until:
- ☐ To be dismissed if court costs / restitution paid by:

- Subst. abuse eval & treat
- 100 / 100 stand
- forfeit $200

FINDING
- ☐ Guilty ☐ Not Guilty
- ☐ Responsible ☐ Not Responsible
- ☐ Probable Cause ☐ No Probable Cause

FINAL DISPOSITION
- ☐ Dismissed on recommendation of Probation Dept.
- ☒ Probation terminated: defendant discharged
- ☐ Sentence or disposition revoked (see cont'd page)

JUDGE: McManus DATE: 7.17.17

COUNT / OFFENSE: 2 DRUG, DISTRIBUTE CLASS B c94C §32A(a)

DISPOSITION DATE AND JUDGE: 5-18-15 MOL

DISPOSITION METHOD
- ☐ Guilty Plea or ☒ Admission to Sufficient Facts accepted after colloquy and 278 §29D warning
- ☐ Bench Trial
- ☐ Jury Trial
- ☐ Dismissed upon:
  - ☐ Request of Commonwealth ☐ Request of Victim
  - ☐ Request of Defendant ☐ Failure to prosecute
  - ☐ Other:
- ☐ Filed with Defendant's consent
- ☐ Nolle Prosequi
- ☐ Decriminalized (277 §70 C)

FINE/ASSESSMENT	SURFINE	COSTS	OUI §24D FEE	OUI VICTIMS ASMT
HEAD INJURY ASMT	**RESTITUTION**	**V/W ASSESSMENT**	**BATTERER'S FEE**	**OTHER**

SENTENCE OR OTHER DISPOSITION
- ☒ Sufficient facts found but continued without a finding until: 11-14-2016
- ☐ Defendant placed on probation until: PSF/#65
  - ☐ Risk/Need or OUI ☐ Administrative Supervision
- ☐ Defendant placed on pretrial probation (276 §87) until:
- ☐ To be dismissed if court costs / restitution paid by:

conc. w/ct. 1

FINDING
- ☐ Guilty ☐ Not Guilty
- ☐ Responsible ☐ Not Responsible
- ☐ Probable Cause ☐ No Probable Cause

FINAL DISPOSITION
- ☐ Dismissed on recommendation of Probation Dept.
- ☒ Probation terminated: defendant discharged
- ☐ Sentence or disposition revoked (see cont'd page)

JUDGE: McManus DATE: 7.17.17

COUNT / OFFENSE:

DISPOSITION DATE AND JUDGE:

DISPOSITION METHOD
- ☐ Guilty Plea or ☐ Admission to Sufficient Facts accepted after colloquy and 278 §29D warning
- ☐ Bench Trial
- ☐ Jury Trial
- ☐ Dismissed upon:
  - ☐ Request of Commonwealth ☐ Request of Victim
  - ☐ Request of Defendant ☐ Failure to prosecute
  - Other:
- ☐ Filed with Defendant's consent
- ☐ Nolle Prosequi
- ☐ Decriminalized (277 §70 C)

FINE/ASSESSMENT	SURFINE	COSTS	OUI §24D FEE	OUI VICTIMS ASMT
HEAD INJURY ASMT	**RESTITUTION**	**V/W ASSESSMENT**	**BATTERER'S FEE**	**OTHER**

SENTENCE OR OTHER DISPOSITION
- ☐ Sufficient facts found but continued without a finding until:
- ☐ Defendant placed on probation until:
  - ☐ Risk/Need or OUI ☐ Administrative Supervision
- ☐ Defendant placed on pretrial probation (276 §87) until:
- ☐ To be dismissed if court costs / restitution paid by:

FINDING
- ☐ Guilty ☐ Not Guilty
- ☐ Responsible ☐ Not Responsible
- ☐ Probable Cause ☐ No Probable Cause

FINAL DISPOSITION
- ☐ Dismissed on recommendation of Probation Dept.
- ☐ Probation terminated: defendant discharged
- ☐ Sentence or disposition revoked (see cont'd page)

JUDGE: DATE:

CRIMINAL DOCKET DOCKET ENTRIES	DEFENDANT NAME Sambath Chhieng	DOCKET NUMBER 1586CR000462

DATE	DOCKET ENTRIES
10-30-15	VOP filed by Lynda TRVong for hearing [redacted] 11-10-15
11-10-15	VOP session (I) No request for detention
	C/S atty allowed Cont 1:12-16 for Val Mem
	outside trial Court
1-12-16	VOP session (I) No request for detention atty Cecere appt'd for def
3/24/16	Mot for Warrant filed by PD Linda Thong.
	ALLOWED Mem'g WARRANT ISSUED
3-25-16	WARRANT RECALLED. After hearing, probations
	request for detention is ALLOWED. atty Shea
	appt'd & fa. cont 4-27-16 VOP Mem't
	FAxed mitt Middleton H/C
4-27-16	VOP session (I) Def stipulated to VOP Prob ext 4yr
	4-26-17 Same terms & conditions / CWOF remains
	Added conditions Substance abuse/eval & Comply
	Do not drive unless properly licensed Bonetto
5-25-16	~~BT per Vilma to Amend COP~~
	Wrong CASE S/B CASE # 1586CR00452 Dustin
	Farrell. (RB)
5/26/16	Mailed copy of docket sheet & Police report
	to Commr - 21 McGrath Hwy Somerville
	Attn: Emma Winger.
11/8/16	Notice of PVH for 11/30/16 @ 8:30am filed by
	PD Thong.
2-21-17	VOP Cont 3-21-17 (Bonetto)
4-20-17	VOP session (I) Found in violation / Prob ext 7-20-17
	Same terms & conditions / Prob ad investigate award fee Mem
7-13-17	DFTA for VOP Def not Bail Bonetto

APPROVED ABBREVIATIONS
ARR = Arraignment PTH = Pretrial hearing DCE = Discovery compliance & jury selection BTR = Bench trial JTR = Jury trial PCH = Probable cause hearing MOT = Motion hearing SRE = Status review
SRP = Status review of payments FAT = First appearance in jury session SEN = Sentencing CWF = Continuance-without-finding scheduled to terminate PRO = Probation scheduled to terminate
DFTA = Defendant failed to appear & was defaulted WAR = Warrant issued WARD = Default warrant issued WR = Warrant or default warrant recalled PVH = probation revocation hearing.

CRIMINAL DOCKET DOCKET ENTRIES	DEFENDANT NAME Sambath Chhieng	DOCKET NUMBER 1586CR000462

DATE	DOCKET ENTRIES
7-17-17	Warrant issued / VOP session (1)
	VOP dismissed Pratt term McManus
2/25/25	Mot to withdraw ∆'s admission to Sufficient facts; Memorandum in support of; and record appendix in support of motion filed by Atty Crane to be heard 3/26/25.
3-26-25	MT TAKEN under advisement Patten
4-9-25	Memorandum and Decision RE: Deft's Motion To Withdraw His Admission To Sufficient Facts filed. Parties notified.
4-15-25	Deft's Motion To Reconsider The Denial of His Motion To Withdraw His Admission To Sufficient Facts filed.
4-16-25	Above Motion To Reconsider is DENIED W/O a hearing. Parties notified.
4-17-25	Notice of Appeal + Certificate of Service filed by Atty Edward Crane

APPROVED ABBERIVATIONS

ARR = Arraignment PT= Pretrial hearing CE = Discovery compliance & jury selection T = Bench trial JT = Jury trial PC = Probable cause hearing M = Motion hearing SR= Status review
SRP = Status review of payments FA = First appearance in jury session S = Sentencing CW = Continuance-without-finding scheduled to terminate P = Probation scheduled to terminate
DFTA = Defendant failed to appear & was defaulted WAR = Warrant issued WARD = Default warrant issued WR = Warrant or default warrant recalled PR = probation revocation hearing

COMMONWEALTH OF MASSACHUSETTS
DISTRICT COURT DEPARTMENT

ESSEX, SS. **PEABODY DIVISION**
1586CR000462

COMMONWEALTH

V.

SAMBATH CHHIENG

MEMORANDUM AND DECISION RE: DEFENDANT'S MOTION TO WITHDRAW HIS ADMISSION TO SUFFICIENT FACTS

On May 18, 2015, the defendant admitted to sufficient facts for a finding of guilty on one count of Distribution of a Class B Substance and one count of Possession with Intent to Distribute a Class B Substance. The Court (Mori, J.) continued the matter without a finding (CWOF) until November 14, 2016. Following a couple of probation violations along the way, the CWOF remained in place and the case was ultimately dismissed on July 17, 2017.

In 2015, while still on probation, Immigration and Customs Enforcement (ICE) temporarily detained the defendant and served him notice to appear in connection with the government's intention to commence deportation proceedings. According to the defendant, he was subsequently released on bond, obtained counsel to challenge deportation, and because of a technical defect in the notice to appear, the Immigration Court terminated the removal proceedings without prejudice on January 2, 2025.

Out of fear that he may again face deportation to Cambodia, the defendant now moves to withdraw his 2015 admission. He claims that the disposition judge's immigration warning under G.L. c. 278, § 29D was inadequate because the judge only advised that a "conviction" may result in

immigration consequences, and never mentioned that an "admission to sufficient facts" could also result in similar consequences.

ANALYSIS

Pursuant to G.L. c. 278, § 29D, at a change of plea hearing, the judge must advise a defendant tendering an "admission to sufficient facts" that certain enumerated immigration consequences could result from the admission. Further, if the judge fails to so advise the defendant, then on the defendant's motion, the court "shall vacate … the admission to sufficient facts, and enter a plea of not guilty."

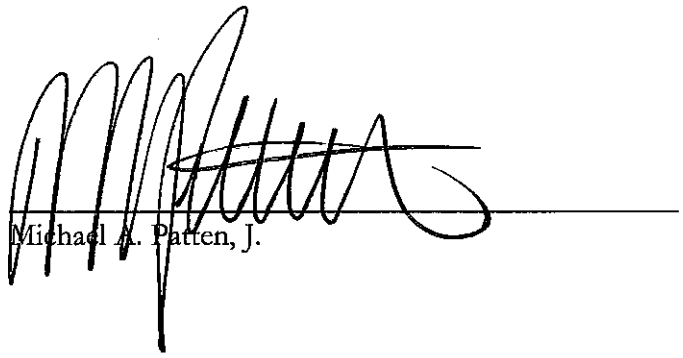
This statutory remedy, however, has been interpreted to first require the defendant to establish a nexus between the defective §29D warning and an immigration consequence set out in the statute that materializes because of the admission to sufficient facts. See Commonwealth v. Barreiro, 67 Mass. App. Ct. 25, 26 (2006), review denied, 447 Mass. 1110, citing Commonwealth v. Berthold, 441 Mass. 183, 185-86 (2004). To satisfy his burden, "the defendant must show 'more than a hypothetical risk of such a consequence, but that he actually faces the prospect of its occurring.'" Commonwealth v. Grannum, 457 Mass. 128, 134 (2010), quoting Berthold at 185. "The defendant must demonstrate also that the immigration consequences he may face or is facing were caused by the admission he seeks to nullify." Grannum at 134.

Here, the defendant's evidentiary proffer fails to establish that he actually faces deportation because of his admission to sufficient facts in 2015. The federal government initiated deportation proceedings against the defendant in 2015. The immigration case remained active for nearly 10 years until it was finally terminated on January 2, 2025. The case was apparently "terminated without prejudice because the Notice to Appear did not state a date or time to appear in immigration court." (See Declaration of Claire Maguire, paragraph 4, attached to defendant's record appendix in support

of his motion). The record is void of any evidence that the government has taken any further action against the defendant since January 2, 2025.

The defendant's basis for claiming that he still faces the actual prospect of deportation is President Trump's general deportation policy. He argues that in light of the federal government's deportation program, "it is likely that the Trump administration" will continue to pursue deportation proceedings against him. (See Defendant's Memorandum in support of his motion, p. 17). This, however, appears to be nothing more than a "hypothetical risk" as discussed in the case law. The defendant's immigration case was active for nearly 10 years and was ultimately dismissed on a technicality that the government could have so easily remedied. It is, therefore, reasonable to infer that if the government intended to re-file deportation proceedings against the defendant, they most likely would have done so already.

In the totality of the circumstances, the Court concludes that the defendant has failed to meet his burden of showing that he actually faces the prospect of deportation. Accordingly, his motion is **DENIED**.



Michael A. Patten, J.

Date: April 9, 2025

COMMONWEALTH OF MASSACHUSETTS
TRIAL COURT OF THE COMMONWEALTH

Essex, ss.

Peabody District Court
No. 1586CR000462

COMMONWEALTH

v.

SAMBATH CHHIENG

DEFENDANT'S MOTION TO RECONSIDER THE DENIAL OF HIS MOTION TO WITHDRAW HIS ADMISSION TO SUFFICIENT FACTS

The defendant, Sambath Chhieng, respectfully requests that the Court reconsider its decision denying the defendant's motion to withdraw his admission to sufficient facts. The Court denied the defendant's motion because it concluded that the defendant failed to prove that he actually faces the prospect of deportation as a result of his admission to sufficient facts. Such a showing is required in order for the defendant to be entitled to relief under G. L c. 278, s. 29D. *See Commonwealth v. Grannum*, 457 Mass. 128, 134 (2010) ("The defendant bears the burden of demonstrating that he may face or is facing one of the enumerated consequences. To meet this burden, the defendant must show more than a hypothetical

4/16/25: DENIED

FILED
APR 11 P 2:04
CLERK-MAGISTRATE
DISTRICT COURT
PEABODY DIVISION

KeyCite Yellow Flag - Negative Treatment
Enjoined by New York v. Trump, D.R.I., April 4, 2025

Exec. Order No. 14159, 90 FR 8443, 2025 WL 315849(Pres.)
Executive Order 14159

Protecting the American People Against Invasion

January 20, 2025

***8443** By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Immigration and Nationality Act (INA) (8 U.S.C. 1101 et seq.) and section 301 of title 3, United States Code, it is hereby ordered:

Section 1. Purpose. Over the last 4 years, the prior administration invited, administered, and oversaw an unprecedented flood of illegal immigration into the United States. Millions of illegal aliens crossed our borders or were permitted to fly directly into the United States on commercial flights and allowed to settle in American communities, in violation of longstanding Federal laws.

Many of these aliens unlawfully within the United States present significant threats to national security and public safety, committing vile and heinous acts against innocent Americans. Others are engaged in hostile activities, including espionage, economic espionage, and preparations for terror-related activities. Many have abused the generosity of the American people, and their presence in the United States has cost taxpayers billions of dollars at the Federal, State, and local levels.

Enforcing our Nation's immigration laws is critically important to the national security and public safety of the United States. The American people deserve a Federal Government that puts their interests first and a Government that understands its sacred obligation to prioritize the safety, security, and financial and economic well-being of Americans.

This order ensures that the Federal Government protects the American people by faithfully executing the immigration laws of the United States.

Sec. 2. Policy. It is the policy of the United States to faithfully execute the immigration laws against all inadmissible and removable aliens, particularly those aliens who threaten the safety or security of the American people. Further, it is the policy of the United States to achieve the total and efficient enforcement of those laws, including through lawful incentives and detention capabilities.

Sec. 3. Faithful Execution of the Immigration Laws. In furtherance of the policies described in section 2 of this order:
(a) Executive Order 13993 of January 20, 2021 (Revision of Civil Immigration Enforcement Policies and Priorities), Executive Order 14010 of February 2, 2021 (Creating a Comprehensive Regional Framework To Address the Causes of Migration, To Manage Migration Throughout North and Central America, and To Provide Safe and Orderly Processing of Asylum Seekers at the United States Border), Executive Order 14011 of February 2, 2021 (Establishment of Interagency Task Force on the Reunification of Families), and Executive Order 14012 of February 2, 2021 (Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans) are hereby revoked; and

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(b) Executive departments and agencies (agencies) shall take all appropriate action to promptly revoke all memoranda, guidance, or other policies based on the Executive Orders revoked in section 3(a) of this order and shall employ all lawful means to ensure the faithful execution of the immigration laws of the United States against all inadmissible and removable aliens. ***8444**

Sec. 4. Civil Enforcement Priorities. The Secretary of Homeland Security shall take all appropriate action to enable the Director of U.S. Immigration and Customs Enforcement, the Commissioner of U.S. Customs and Border Protection, and the Director of U.S. Citizenship and Immigration Services to set priorities for their agencies that protect the public safety and national security interests of the American people, including by ensuring the successful enforcement of final orders of removal. Further, the Secretary of Homeland Security shall ensure that the primary mission of U.S. Immigration and Customs Enforcement's Homeland Security Investigations division is the enforcement of the provisions of the INA and other Federal laws related to the illegal entry and unlawful presence of aliens in the United States and the enforcement of the purposes of this order.

Sec. 5. Criminal Enforcement Priorities. The Attorney General, in coordination with the Secretary of State and the Secretary of Homeland Security, shall take all appropriate action to prioritize the prosecution of criminal offenses related to the unauthorized entry or continued unauthorized presence of aliens in the United States.

Sec. 6. Federal Homeland Security Task Forces. (a) The Attorney General and the Secretary of Homeland Security shall take all appropriate action to jointly establish Homeland Security Task Forces (HSTFs) in all States nationwide.
(b) The composition of each HSTF shall be subject to the direction of the Attorney General and the Secretary of Homeland Security, but shall include representation from any other Federal agencies with law enforcement officers, or agencies with the ability to provide logistics, intelligence, and operational support to the HSTFs, and shall also include representation from relevant State and local law enforcement agencies. The heads of all Federal agencies shall take all appropriate action to provide support to the Attorney General and the Secretary of Homeland Security to ensure that the HSTFs fulfill the objectives in subsection (c) of this section, and any other lawful purpose that fulfills the policy objectives of this order.

(c) The objective of each HSTF is to end the presence of criminal cartels, foreign gangs, and transnational criminal organizations throughout the United States, dismantle cross-border human smuggling and trafficking networks, end the scourge of human smuggling and trafficking, with a particular focus on such offenses involving children, and ensure the use of all available law enforcement tools to faithfully execute the immigration laws of the United States.

(d) The Attorney General and the Secretary of Homeland Security shall take all appropriate action to provide an operational command center to coordinate the activities of the HSTFs and provide such support as they may require, and shall also take all appropriate action to provide supervisory direction to their activities as may be required.

Sec. 7. Identification of Unregistered Illegal Aliens. The Secretary of Homeland Security, in coordination with the Secretary of State and the Attorney General, shall take all appropriate action to:
(a) Immediately announce and publicize information about the legal obligation of all previously unregistered aliens in the United States to comply with the requirements of part VII of subchapter II of chapter 12 of title 8, United States Code;

(b) Ensure that all previously unregistered aliens in the United States comply with the requirements of part VII of subchapter II of chapter 12 of title 8, United States Code; and

(c) Ensure that failure to comply with the legal obligations of part VII of subchapter II of chapter 12 of title 8, United States Code, is treated as a civil and criminal enforcement priority.

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Sec. 8. Civil Fines and Penalties. (a) The Secretary of Homeland Security, in coordination with the Secretary of Treasury, shall take all appropriate action to ensure the assessment and collection of all fines and penalties ***8445** that the Secretary of Homeland Security is authorized by law to assess and collect from aliens unlawfully present in the United States, including aliens who unlawfully entered or unlawfully attempted to enter the United States, and from those who facilitate such aliens' presence in the United States.

(b) Within 90 days of the date of this order, the Secretary of the Treasury and the Secretary of Homeland Security shall submit a report to the President regarding their progress implementing the requirements of this section and recommending any additional actions that may need to be taken to achieve its objectives.

Sec. 9. Efficient Removals of Recent Entrants and Other Aliens. The Secretary of Homeland Security shall take all appropriate action, pursuant to section 235(b)(1)(A)(iii)(I) of the INA (8 U.S.C. 1225(b)(1)(A)(iii)(I)), to apply, in her sole and unreviewable discretion, the provisions of section 235(b)(1)(A)(i) and (ii) of the INA to the aliens designated under section 235(b)(1)(A)(iii)(II). Further, the Secretary of Homeland Security shall promptly take appropriate action to use all other provisions of the immigration laws or any other Federal law, including, but not limited to sections 238 and 240(d) of the INA (8 U.S.C. 1228 and 1229a(d)), to ensure the efficient and expedited removal of aliens from the United States.

Sec. 10. Detention Facilities. The Secretary of Homeland Security shall promptly take all appropriate action and allocate all legally available resources or establish contracts to construct, operate, control, or use facilities to detain removable aliens. The Secretary of Homeland Security, further, shall take all appropriate actions to ensure the detention of aliens apprehended for violations of immigration law pending the outcome of their removal proceedings or their removal from the country, to the extent permitted by law.

Sec. 11. Federal-State Agreements. To ensure State and local law enforcement agencies across the United States can assist with the protection of the American people, the Secretary of Homeland Security shall, to the maximum extent permitted by law, and with the consent of State or local officials as appropriate, take appropriate action, through agreements under section 287(g) of the INA (8 U.S.C. 1357(g)) or otherwise, to authorize State and local law enforcement officials, as the Secretary of Homeland Security determines are qualified and appropriate, to perform the functions of immigration officers in relation to the investigation, apprehension, or detention of aliens in the United States under the direction and the supervision of the Secretary of Homeland Security. Such authorization shall be in addition to, rather than in place of, Federal performance of these duties. To the extent permitted by law, the Secretary of Homeland Security may structure each agreement under section 287(g) of the INA (8 U.S.C. 1357(g)) in the manner that provides the most effective model for enforcing Federal immigration laws in that jurisdiction.

Sec. 12. Encouraging Voluntary Compliance with the Law. The Secretary of Homeland Security shall take all appropriate action, in coordination with the Secretary of State and the Attorney General, and subject to adequate safeguards, assurances, bonds, and any other lawful measure, to adopt policies and procedures to encourage aliens unlawfully in the United States to voluntarily depart as soon as possible, including through enhanced usage of the provisions of section 240B of the INA (8 U.S.C. 1229c), international agreements or assistance, or any other measures that encourage aliens unlawfully in the United States to depart as promptly as possible, including through removals of aliens as provided by section 250 of the INA (8 U.S.C. 1260).

Sec. 13. Recalcitrant Countries. The Secretary of State and the Secretary of Homeland Security shall take all appropriate action to:

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(a) Cooperate and effectively implement, as appropriate, the sanctions provided by section 243(d) of the INA (8 U.S.C. 1253(d)), with the Secretary of State, to the maximum extent permitted by law, ensuring that diplomatic ***8446** efforts and negotiations with foreign states include the foreign states' acceptance of their nationals who are subject to removal from the United States; and

(b) Eliminate all documentary barriers, dilatory tactics, or other restrictions that prevent the prompt repatriation of aliens to any foreign state. Any failure or delay by a foreign state to verify the identity of a national of that state shall be considered in carrying out subsection (a) this section, and shall also be considered regarding the issuance of any other sanctions that may be available to the United States.

Sec. 14. Visa Bonds. The Secretary of Treasury shall take all appropriate action, in coordination with the Secretary of State and the Secretary of Homeland Security, to establish a system to facilitate the administration of all bonds that the Secretary of State or the Secretary of Homeland Security may lawfully require to administer the provisions of the INA.

Sec. 15. Reestablishment of the VOICE Office and Addressing Victims of Crimes Committed by Removable Aliens. The Secretary of Homeland Security shall direct the Director of U.S. Immigration and Customs Enforcement (ICE) to take all appropriate and lawful action to reestablish within ICE an office to provide proactive, timely, adequate, and professional services to victims of crimes committed by removable aliens, and those victims' family members. The Attorney General shall also ensure that the provisions of 18 U.S.C. 3771 are followed in all Federal prosecutions involving crimes committed by removable aliens.

Sec. 16. Addressing Actions by the Previous Administration. The Secretary of State, the Attorney General, and the Secretary of Homeland Security shall promptly take all appropriate action, consistent with law, to rescind the policy decisions of the previous administration that led to the increased or continued presence of illegal aliens in the United States, and align any and all departmental activities with the policies set out by this order and the immigration laws. Such action should include, but is not limited to:
(a) ensuring that the parole authority under section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) is exercised on only a case-by-case basis in accordance with the plain language of the statute, and in all circumstances only when an individual alien demonstrates urgent humanitarian reasons or a significant public benefit derived from their particular continued presence in the United States arising from such parole;

(b) ensuring that designations of Temporary Protected Status are consistent with the provisions of section 244 of the INA (8 U.S.C. 1254a), and that such designations are appropriately limited in scope and made for only so long as may be necessary to fulfill the textual requirements of that statute; and

(c) ensuring that employment authorization is provided in a manner consistent with section 274A of the INA (8 U.S.C. 1324a), and that employment authorization is not provided to any unauthorized alien in the United States.

Sec. 17. Sanctuary Jurisdictions. The Attorney General and the Secretary of Homeland Security shall, to the maximum extent possible under law, evaluate and undertake any lawful actions to ensure that so-called “sanctuary” jurisdictions, which seek to interfere with the lawful exercise of Federal law enforcement operations, do not receive access to Federal funds. Further, the Attorney General and the Secretary of Homeland Security shall evaluate and undertake any other lawful actions, criminal or civil, that they deem warranted based on any such jurisdiction's practices that interfere with the enforcement of Federal law.

Sec. 18. Information Sharing. (a) The Secretary of Homeland Security shall promptly issue guidance to ensure maximum compliance by Department of Homeland Security personnel with the provisions of 8 U.S.C. 1373 and 8 U.S.C. 1644 and

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ensure that State and local governments are provided with the information necessary to fulfill law enforcement, citizenship, or immigration status verification requirements authorized by law; and ***8447**

> (b) The Attorney General, the Secretary of Health and Human Services, and the Secretary of Homeland Security shall take all appropriate action to stop the trafficking and smuggling of alien children into the United States, including through the sharing of any information necessary to assist in the achievement of that objective.

Sec. 19. Funding Review. The Attorney General and the Secretary of Homeland Security shall:
(a) Immediately review and, if appropriate, audit all contracts, grants, or other agreements providing Federal funding to non-governmental organizations supporting or providing services, either directly or indirectly, to removable or illegal aliens, to ensure that such agreements conform to applicable law and are free of waste, fraud, and abuse, and that they do not promote or facilitate violations of our immigration laws;

(b) Pause distribution of all further funds pursuant to such agreements pending the results of the review in subsection (a) of this section;

(c) Terminate all such agreements determined to be in violation of law or to be sources of waste, fraud, or abuse and prohibit any such future agreements;

(d) Coordinate with the Director of the Office of Management and Budget to ensure that no funding for agreements described in subsection (c) of this section is included in any appropriations request for the Department of Justice or the Department of Homeland Security; and

(e) Initiate clawback or recoupment procedures, if appropriate, for any agreements described in subsection (c) of this section.

Sec. 20. Denial of Public Benefits to Illegal Aliens. The Director of the Office of Management and Budget shall take all appropriate action to ensure that all agencies identify and stop the provision of any public benefits to any illegal alien not authorized to receive them under the provisions of the INA or other relevant statutory provisions.

Sec. 21. Hiring More Agents and Officers. Subject to available appropriations, the Secretary of Homeland Security, through the Commissioner of U.S. Customs and Border Protection and the Director of U.S. Immigration and Customs Enforcement, shall take all appropriate action to significantly increase the number of agents and officers available to perform the duties of immigration officers.

Sec. 22. Severability. It is the policy of the United States to enforce this order to the maximum extent possible to advance the interests of the United States. Accordingly:
(a) If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of its other provisions to any other persons or circumstances shall not be affected thereby; and

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(b) If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid because of the failure to follow certain procedures, the relevant executive branch officials shall implement those procedural requirements to conform with existing law and with any applicable court orders.

Sec. 23. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party ***8448** against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,January 20, 2025.
Billing code 3395-F4-P

Exec. Order No. 1415990 FR 84432025 WL 315849(Pres.)

End of Document

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CERTIFICATE OF SERVICE

I hereby certify, under the pains and penalties of perjury, that I have served a copy of the defendant's application for direct appellate review to Assistant District Attorney Catherine L. Semel, Essex County District Attorney's Office, Ten Federal Street, Salem, MA 01970. I have made service via email.

/s/ Edward Crane /s/
Edward Crane
BBO# 679016
218 Adams Street
P.O. Box 220165
Dorchester, MA 02122
Attyedwardcrane@gmail.com
617-851-8404

Date: 5/19/25

CERTIFICATE OF COMPLIANCE

I, Edward Crane, hereby certify, that this application complies with all applicable rules of court pertaining to the filing of such applications. This application was written using Bookman Old Style font in 14-point size. There are 1,303 non-excluded words that count towards the 2,000 word-limit imposed by Mass. R. App. Pro. 11(b)(5). The word count was determined using Microsoft Word.

/s/ Edward Crane /s/
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Date: 5/19/25