

SAC Rules of Criminal Procedure

Recommended Changes to Mass. R. Crim. P. 12(c)(3)(A)(iii) and 12(d)(3)(A)(iii) - Redlined Version

Rule 12. Pleas and Withdrawals of Pleas

...

(c) Procedure if no plea agreement or if plea agreement does not include both a specific sentence and a charge concession.

...

(3) *Colloquy*. The judge shall:

(A) Provide notice to the defendant of the consequences of a plea. The judge shall inform the defendant:

...

(iii) ~~of the following potential immigration consequences of the plea:~~

~~(a) that, if the defendant is not a citizen of the United States, the guilty plea, plea of nolo contendere, or admission may have the consequence of deportation, exclusion of admission, or denial of naturalization; and~~

~~(b) that, if the offense to which the defendant is pleading guilty, nolo contendere, or admitting to sufficient facts is under federal law one that presumptively mandates removal from the United States and federal officials decide to seek removal, it is practically inevitable that this conviction would result in deportation, exclusion from admission, or denial of naturalization under the laws of the United States.~~

...

(d) Procedure if plea agreement includes both a specific sentence and a charge concession.

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