

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
JULIO RAMIREZ,	)	
	)	C.A. No. _____
Petitioner,	)	
	)	
v.	)	
	)	
STEVEN W. TOMPKINS,	)	
Suffolk County Sheriff,	)	
YOLANDA SMITH,	)	
Superintendent of the South Bay House	)	
of Correction,	)	
TODD LYONS,	)	
Immigration and Customs Enforcement,	)	
Enforcement and Removal Operations,	)	
Acting Field Office Director,	)	
	)	
Respondents.	)	
_____	)	

**DECLARATION OF LAUREN WEITZEN**

I, Lauren Weitzen, declare as follows:

1. I am an attorney. I have been a member of the Massachusetts bar since 2006. I am currently a Partner at Lawson & Weitzen, LLP, where I have worked for approximately five (5) years practicing mostly criminal defense. Prior to working at Lawson & Weitzen, LLP, I was a staff attorney and a supervising attorney with the Public Defender Division of the Committee for Public Counsel Services for 7 years.
2. On August 3, 2018, Julio Ramirez was charged in Cambridge District Court with one criminal count of Operating Under the Influence of Liquor in violation of G.L. c. 90 § 24(1)(a)(1) (as well as one civil infraction for Failure to Stop/Yield in violation of G.L.

- c. 89, § 9). This criminal complaint is Docket No. 1852CR001063. A true and accurate copy of the complaint is attached hereto at Exhibit A.
3. I am presently Mr. Ramirez's defense counsel on Docket No. 1852CR001063. A true and accurate copy of the docket sheet in that matter is attached hereto as Exhibit B.
  4. Mr. Ramirez has pleaded not guilty to this charge and the complaint is scheduled for Jury Trial on December 5, 2018.
  5. The Commonwealth does not have any breathalyzer or blood test evidence demonstrating Mr. Ramirez was under the influence of alcohol.
  6. I have subpoenaed one witness to testify that she interacted with Mr. Ramirez immediately after the accident and did not observe him to be intoxicated.
  7. I have also subpoenaed another witness to testify that she interacted with Mr. Ramirez moments before the accident and also did not observe him to be intoxicated.
  8. Mr. Ramirez had a pretrial hearing scheduled in the Cambridge District Court for November 13, 2018.
  9. After October 29, 2018, when the Boston Immigration Court denied Mr. Ramirez's request for release on bond, I began making efforts to ensure the Cambridge District Court properly issued a writ of habeas corpus *ad prosequendum* so Mr. Ramirez would be transported to this scheduled hearing.
  10. In doing so, I spoke with Attorney Jennifer Klein of the Committee for Public Counsel Services Immigration Impact Unit who provided me with specific language to request the Clerk include in the writ as well as further instructions to follow so Immigration Customs Enforcement (ICE) would allow the writ.

11. On October 31, 2018, the Clerk's Office of the Cambridge District Court issued writs of habeas corpus *ad prosequendum* to ICE and to the Suffolk County House of Correction. The writs contained the language that Jennifer Klein had recommended to me. True and accurate copies of these writs are attached hereto as Exhibit C.
12. I believe that the Clerk may have issued an additional writ of habeas corpus *ad prosequendum* to the Middlesex Sheriff's Department in Billerica, MA, as the Clerk subsequently informed me that he received a call from the Middlesex Sheriff's Office the same day explaining that they did not have Mr. Ramirez in their custody.
13. On November 7, 2018, the Clerk further informed me that he received a call from ICE saying that ICE was denying the writ and specifying different language that the writ needed to include if the court wanted Mr. Ramirez to be transported.
14. The Clerk informed me that he needed to confirm with the Executive Office of the Trial Court to see if this new language proposed by ICE was acceptable. The Clerk informed me that he reached out to General Counsel for the Chief Justice of the Trial Court to obtain approval of the new language, which ultimately took a couple days.
15. On November 9, 2018, the Clerk informed me he had obtained approval from the Executive Office of the Trial Court, and, per ICE's instructions, he issued new writs to ICE and to the Suffolk County House of Correction with the newly requested language. True and accurate copies of these writs are attached hereto as Exhibit D.
16. The Clerk later informed me that on Saturday, November 10, 2018, ICE had received and approved the new writ.
17. At my request, Ashlee Mastrangelo, the Supervising Assistant District Attorney at the Cambridge District Court, or someone from her office, had also contacted ICE in an

attempt to ensure that Mr. Ramirez would be transported to court. During that call, her office was told—incorrectly—that Mr. Ramirez was not detained at the Suffolk County House of Correction.

18. On November 13, 2018, Mr. Ramirez was not transported to court for his pretrial hearing.

19. On November 13, 2018, the Clerk and I, separately, spoke with General Counsel for the Suffolk County Sheriff's Department and was told that only Plymouth and Bristol counties could transport ICE detainees to criminal court.

20. On November 20, 2018, the Clerk informed me he spoke with the Plymouth County Sheriff's Department, which instructed him to issue a writ to the Middlesex County Sheriff's Office since Mr. Ramirez needs to be transported to the Cambridge District Court, which is located in Middlesex County.

21. On November 21, 2018, the Clerk issued writs to ICE, the Suffolk County House of Correction, and the Plymouth County House of Correction, ordering that Mr. Ramirez be transported to the Cambridge District Court on December 5, 2018 for his Jury Trial. True and accurate copies of these writs are attached hereto as Exhibit E.

22. The Cambridge District Court cannot conduct a jury trial in the case against Mr. Ramirez if he is not transported to the courthouse. If Mr. Ramirez fails to appear for his scheduled trial date, I think the court may default him and issue a warrant.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 26, 2018

  
Lauren Weitzen