UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	Cr. No. 21-cr-10270-MLW
	)	
ATICHA JITTAPHOL,	)	
Defendant.	)	

ORDER

WOLF, D.J. February 9, 2022

The court has reviewed the submissions of the parties (Dkt. Nos. 34 and 35) concerning whether it should allow defendant Aticha Jittaphol to waive indictment, plead guilty, and defer until the sentencing hearing deciding whether to accept or reject the Federal Rule of Criminal Procedure 11(c)(1)(B) binding plea agreement. The court is now willing to proceed as the parties propose.

The court has also approved the February 7, 2022 Petition for Action on Conditions of Pretrial Release (Dkt. No. 38, ex parte), attached hereto as Exhibit 1, reporting that following the January 20, 2022 hearing, the defendant tested positive for methamphetamine (the "Petition"). The court has approved the issuance of a summons and will address the Petition after defendant's waiver of indictment and Rule 11 plea colloquy. While the Petition requests that the court address the "drug use and the need for the defendant to re-commence residential drug treatment," the court also intends to address whether the defendant should be detained for violating the conditions of her pretrial release.

In addition, the court has considered the January 25, 2022 Memorandum from Probation concerning the defendant's immigration status, attached hereto as Exhibit 2. It raises questions concerning whether the defendant is in the United States based on possible misrepresentations about being a student since 2016, and whether she is working unlawfully. Therefore, Probation and the United States Attorney are being ordered to attempt to obtain copies of the defendant's applications for extension of her F-1 student visa, and any documents concerning whether or not her reported application for asylum authorizes her to remain in the United States and work.

In view of the foregoing, it is hereby ORDERED that:

1. A hearing to address the foregoing matters will be held, at the Moakley Courthouse, on March 8, 2022, at 2:30 p.m.

2. Probation and the government shall attempt to obtain the documents and information concerning defendant's immigration status and authorization to work in the United States, described above, and provide them, with explanation, to defendant and the court as promptly as possible.

3. The government and defendant shall, by February 23, 2022, file memoranda addressing their recommendations concerning the action the court should take concerning the Petition.

UNITED STATES DISTRICT JUDGE