

DETAINED

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Counsel for Respondent

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
BALTIMORE, MARYLAND**

_____)
In the Matter of:)
)
[First Name LAST NAME]) **File No.: A###-###-###**
)
)
In Bond Proceedings)
_____)

**Immigration Judge:
Honorable Elizabeth A. Kessler**

**Next Master Calendar Hearing:
August ##, 20## at 8:30 a.m.**

RESPONDENT’S MOTION FOR CUSTODY AND BOND REDETERMINATION

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
BALTIMORE, MARYLAND**

In the Matter of:	*	In Bond Proceedings
	*	
[First Name LAST NAME]	*	DETAINED
	*	
Case No. A###-###-###	*	Judge: Elizabeth A. Kessler
	*	

RESPONDENT’S MOTION FOR CUSTODY AND BOND REDETERMINATION

Respondent, [First Name LAST NAME], by and through undersigned counsels, Himedes V. Chicas, Lucelia R. Justiniano, and the Law Offices of Jezic & Moyse, LLC, hereby respectfully requests that this Court re-determine the Department of Homeland Security (“DHS”), Immigration and Customs Enforcement’s (“ICE”) custody determination, and set a bond for the Respondent in the amount of \$6,500.00. In support of this motion, the Respondent states as follows:

JURISDICTION

This Court has jurisdiction over this matter pursuant to Section 236(a) of the Immigration and Nationality Act (“INA”) and 8 C.F.R. § 1003.19(c)(1).

STATEMENT OF FACTS

1. Respondent entered the United States without inspection on or around May 20## and has since remained continuously present and residing in this country. (*See* Exhibit G). Since the Respondent’s arrival, he has maintained residence in Maryland, most recently as of December ##, 20##, he lived at [##### ##, Apartment ##, Silver Spring, Maryland #####]. During the Respondent’s over eleven years of uninterrupted and continuous physical presence in the United States he has fostered significant personal, financial, and community ties. As is most relevant here, the Respondent is the primary breadwinner for his family: Ms. [First Name Last Name], a Temporary Protected Status holder, to whom he has been married since August ##, 20##, and their daughter (his stepdaughter), [First Name Last Name], age ##. (*See* Exhibit B). Respondent also has a second stepdaughter, [First Name Last Name], age ##, who stays with him and his wife on the weekends. *Id.* Since the Respondent’s arrival to the United States, he has maintained gainful employment, most recently as an electrician for [Name of Company], where he has worked since 20##. (*See* Exhibit E).
2. On [July ##, 20##], Respondent was detained by Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE) officers and is currently being held at the Worcester County Detention Center in Snow Hill, Maryland. DHS-ICE issued a Notice of

Custody Determination¹ on [July ##, 20##] holding the Respondent detained without bond. (See Exhibit A). The Court set a hearing for bond redetermination for August ##, 20## at 8:30 a.m. Respondent now respectfully moves this court to re-determine custody and set a bond.

3. As stated, prior to his detention, Respondent was living at [##### ##, Apartment ##, Silver Spring, Maryland #####] and this will be the address where he will continue to live if the Court grants his release under bond.

ARGUMENT

4. In seeking custody review, it is the respondent's burden to demonstrate that his release "would not pose a danger to property or persons, and that [he or she] is likely to appear for any future proceedings." 8 C.F.R. §1236.1(c)(8). Moreover, a decision regarding the amount of bond to be imposed should be based on an objective evaluation of the factors presented. Among these relevant factors are: (1) whether the respondent has had a fixed address in the U.S.; (2) the respondent's length of residence in the U.S.; (3) the respondent's employment history, including length and stability; (4) the respondent's familial ties in the U.S. and whether they may entitle him to reside permanently in the U.S. in the future; (5) the respondent's record of appearance in Court; (6) the respondent's criminal history, including extensiveness and seriousness of the offenses; (7) the respondent's history of immigration violations; and (8) the respondent's manner of entry into the U.S. In *Matter of Guerra*, 24 I&N Dec. 37, 40 (BIA 2006); see also *Matter of X-K-*, 23 I & N Dec. 731, 736 (BIA 2005). Additionally, in *Matter of Andrade*, 19 I&N Dec. 488, 490 (BIA 1987), the Board asserted that "[a] respondent's character is one of the factors we consider in determining the necessity for or the amount of bond."
5. The Respondent has been continuously present in the United States for over [##] years. (See Exhibit G). Since the Respondent's arrival on or around [May 20##], he has maintained primary residence in Maryland. Most recently as of [December 20##], and prior to his detention by ICE, he was living at [##### ##, Apartment ##, Silver Spring, Maryland #####] with his wife, [First Name Last Name] and his stepdaughter, [First Name Last Name], age ##. Respondent's stepdaughter, [First Name Last Name] also regularly stays at the Respondent's home on the weekends and during her summer vacation. (See Exhibit B). Prior to this address, Respondent lived at [##### ##, Apartment ##, Rockville, Maryland #####] from [August 20## to December 20##]. (See Exhibit G). Prior to living there, the Respondent lived at [##### ##, Apartment ##, Beltsville, Maryland #####] from [August 20## to December 20##]. *Id.* From [Date to Date], Respondent lived at [##### ##, Apartment ##, Beltsville, Maryland #####]. *Id.* From [Date to Date], the Respondent lived at [##### ##, Apartment ##, Beltsville, Maryland #####]. From [Date to Date], the Respondent lived at [##### ##,

¹ DHS-ICE provided counsel with unsigned copies of the Notice of Custody Determination and Notice to Appear stating they did not have the signed/served copies as they are currently with the Office of Chief Counsel in Baltimore, but stated that the charges and bond determination listed in the unsigned/served forms are the same that would be filed with the Court.

Apartment ##, Laurel, Maryland #####]. The Respondent thus has a significant length of residence in the U.S. and more specifically in the state of Maryland. The Respondent moreover has a fixed address in the U.S. to which he would return upon his release.

6. Furthermore, the Respondent has maintained gainful and stable employment since his arrival to the United States in 20##. Prior to his detention, Respondent had been working at [Name of Employer] as an electrician since [20##]. (*See* Exhibit D). Prior to his current employment, Respondent worked with [Name of Employer] as a painting subcontractor from [Date to Date]. In his affidavit, Mr. [Employer] describes Respondent as having high work ethic and integrity, being an active leader and member in his church, and being a dedicated and supportive husband, father, and son. *Id.* Prior to working with Mr. [Employer], Respondent worked with [Name of Employer] as a painter from 20## to 20##. Mr. [Employer] and Respondent have continued their friendship and Mr. [Employer] describes Respondent as “always helping others around him,” including Mr. [Employer] recently. *Id.* Upon coming to the U.S., Respondent worked as a day laborer from 20## to 20##. Respondent currently has stable employment to return to upon being released, which gives Respondent incentive to remain in the area, thereby reducing his flight risk.
7. Respondent also has significant familial ties in the U.S. Respondent is the primary breadwinner for his family which include, his wife, [First Name Last Name], who holds TPS, and his stepdaughter, [First Name Last Name], a U.S. citizen. (*See* Exhibit B). He also provides considerable emotional support to his stepdaughter, [First Name Last Name], a U.S. citizen, who, although does not reside with him permanently, spends substantial time with Respondent. *Id.* Respondent has known Ms. [Last Name], for nine years and the two have been married for four years. *Id.* Respondent has helped raised [First Name] and [First Name, as if they were his own daughters since they were toddlers. Although [First Name] does not live permanently with Respondent and her mother on account of her biological father having physical custody, the Respondent is an extremely im[Last Name]t part of [First Name]’s life. [First Name] recently completed [##] grade at [Name of School] Elementary located in [City], Maryland and will be enrolling in [##] grade. (*See* Exhibit E). [First Name] recently completed [##] grade at [Name of School] Middle School in [City], Maryland, where, as stated, she lives with her biological father, and will be enrolling in high school. *Id.* The extensive family ties to the area, reduce the Respondent’s flight risk.
8. Respondent’s family is suffering severe emotional and financial hardship as a result of the Respondent’s detention. (*See* Exhibit C and F). Ms. [Last Name] has struggled with anxiety disorder in the past, and the Respondent’s detention has exacerbated her conditions. (*See* Exhibit C). Ms. [Last Name] is currently taking [Name of Medicine] to prevent panic disorders and [Name of Medicine], an antidepressant, on a daily basis. *Id.* Additionally, Ms. [Last Name] must deal with financial difficulties and is unable to meet the family’s basic monthly expenditures with only her income, which has significantly added to her anxiety and stress levels. (*See* Exhibit F). The Respondent’s stepdaughter, [First Name], also suffers from Attention Deficit Hyperactivity Disorder (“ADHD”) for which she takes [Name of Medicine] on a daily basis. (*See* Exhibit C). Ms. [Last Name] states that ##-year-old [First Name], who is very close to the Respondent, is undergoing considerable stress

as a result of her stepfather's detention. *Id.* Ms. [Last Name] states that the increased anxiety that [First Name] is experiencing is intervening with her current medication and, as a result, needs to have [First Name] reevaluated by a professional. *Id.* [First Name] has also expressed concern and sadness because of the Respondent's detention—particularly in the way it is affecting her mother and sister. *Id.* In her affidavit, [First Name] expresses concern about her mother's declining health and recently witnessing [First Name] talk to herself about her stepfather's detention, which has raised grave concerns. *Id.* As a result of Respondent's detention, his whole family is suffering.

9. Respondent has strong community ties to the United States and a strong support network. Respondent has strong roots in Maryland where he has lived and worked for the last eleven years. (*See* Exhibits D and G). Respondent has been an active member of his church congregation during the last seven years, including serving as a youth leader, attending leadership academy, and attending church regularly. (*See* Exhibit H). Pastor [First Name Last Name] of the [Name of Church] in [City], Maryland, attests to the Respondent's spiritual growth and goodwill in the church community. *Id.* Numerous other members of the congregation whose affidavits (a total of 21) are enclosed also speak very highly of the Respondent and his role as an active leader of the community, his generosity, and integrity. *Id.* Respondent is well-liked and respected in the community by his friends and family who attest in their affidavits to his moral fiber. *Id.* In addition to serving those closest to him, Respondent also provides financial support to his mother and father who are disabled. (*See* Exhibit K). Unquestionably, Respondent is regarded as an excellent father, husband, son and member of the community by those who are closest to him.
10. Most significantly, the Respondent is not a danger to the community. The Respondent has tried his best to be a law-abiding resident of the U.S, however, Respondent had a lapse in judgment on April ##, 20##, when he was charged with driving/attempting to drive vehicle while under the influence and driving without a license, for which he was found guilty. (*See* Exhibit J). Moreover, on December ##, 20##, Respondent was cited for driving without a license and given probation without judgement. (*See* Exhibit J). However, since these incidents, Respondent took the necessary measures and has now obtained his driver's license.² (*See* Exhibit K). Respondent also completed early intervention for alcohol and drug assessment on August ##, 20##, and as part of the treatment, obtained individual counseling sessions through the [County] Health Department. *Id.*
11. The most recent charges filed against the Respondent, and resulted in him being taken into ICE custody, are for s a count of sexual offense in the fourth degree and a count of second degree assault out of Howard County District Court. Respondent was found not guilty of the sexual offense charge on June ##, 20##. (*See* Exhibit J). The district court judge has taken the second degree assault charge under advisement and ordered a pre-sentence investigation. In Maryland, the judgment is not final until the District Court enters a record on the docket of the electronic case management system used by that Court. *See* MD. CODE ANN., CTS. & JUD. PROC. § 12-401(e); MD R. CIR. CT. 7-104. In the Respondent's case,

² A change of address card from the Motor Vehicle administration was submitted as proof that Respondent has a valid driver's license because the Respondent's actual license was confiscated by ICE upon his arrest.

an entry of judgment has not been made as to the second degree assault charge. (See Exhibit J). Therefore, the Respondent has not yet been convicted of second degree assault.

12. The Respondent submits that the pending charge for second degree assault has not yet been disposed of and should not be considered final for immigration purposes. First, as stated, the Respondent has not yet been sentenced at the district court level given the pending presentencing investigation. Second, the Respondent will file an appeal of the district court case, but he is unable to do so until the sentence is entered by the court. In Maryland, a defendant may not appeal a conviction, unless and until the lower court imposes a sentence or sanction. See MD. CODE ANN., CTS. & JUD. PROC. § 12-301; see *Webster v. State*, 359 Md. 465, 474 (2000); *Johnson v. State*, 142 Md. App. 172, 202 (2002) (with no sentence or other disposition, the case is not appealable). Therefore, currently and upon his filing of the direct appeal, the conviction in the Respondent case is not “final” for immigration purposes. It remains a “well-established” principle that “a criminal conviction attains finality for immigration purposes when procedures for direct appeal have been exhausted or waived.” *Matter of Cardenas Abreu*, 24 I&N Dec. 795, 798 (BIA 2009), review granted, order vacated, *Abreu v. Holder*, 378 Fed.Appx. 59 (2d Cir. 2010) (citing *Matter of Ozkok*, 19 I&N Dec. 546 (BIA 1988) and *Pino v. Landon*, 349 U.S. 901 (1955)). Indeed, as the majority noted in *Matter of Cardenas Abreu*, *supra*, “[t]he legislative history of the IIRIRA accompanying the adoption of the definition of a ‘conviction’ gave no indication of an intent to disturb this principle that an alien must waive or exhaust his direct appeal rights to have a final conviction. *Id.* (citing *Matter of Punu*, 22 I&N Dec. 224 (BIA 1998)).
13. Notwithstanding, the pending nature of the second degree assault charge, Respondent is not a danger to the community. In the present case, the state judge has already found that Respondent is not guilty of the more serious of the two charges, the charge of fourth degree sex offense (sexual contact) that arose out of the same allegations relating to the second degree charge. Furthermore, the criminal complaint in the matter is not based on an ongoing investigation nor was it attested to by an official as was the case in *Matter of Guerra*, but rather it was based on the allegations of an individual which by her own admission, was intoxicated at the time of the alleged offense.³ Therefore, the reliability of the allegations in the criminal complaint are questionable and should not be considered probative evidence of the Respondent being a danger to the community, especially given the Respondent’s proclaimed innocence and intent to appeal. Respondent contends that in terms of a determination regarding him being a danger to the community, the state judge’s prior determination of the Respondent’s innocence in regards to the sexual contact alleged in the criminal complaint is of more probative value. This determination of innocence by the lower court with respect of the sexually based offense, along with the unique procedural posture of the criminal case, the substantial character evidence submitted on the Respondent’s behalf, outweighs the pending allegation of second degree assault.

³ In *Matter of Guerra*, the Board found the criminal complaint was “specific and detailed” since the complaint alleging the Respondent involvement in a drug trafficking scheme was signed by a DEA agent, described the source of the information that the respondent was involved in the sale of drugs, set forth events leading to the respondent’s arrests, including locations, alleged accomplices, and other details. See *Matter of Guerra*, 24 I&N Dec. at 41.

Respondent asks the Court to place little, if any weight, on the criminal complaint filed by the purported victim, given that it is not specific, detailed, or of a reliable source.

14. Given the significant evidence submitted on behalf of the Respondent's character, it is clear that the accusations against the Respondent are outlandish. The Court should consider the overwhelming character evidence in favor of the Respondent. As attested to by many of his friends, family, and coworkers, the Respondent is a respectful, kind, and trustworthy person and would not pose a danger to the community if he is released. (*See Exhibit H*). Furthermore, the ongoing criminal case has a pretrial probationary period which will ensure that the Respondent remains in the area, attends all future hearings, and does not commit additional infractions. (*See Exhibits J*). Moreover, the Respondent has shown that he has been rehabilitated of his prior offense involving drinking and driving and has made efforts to be a law abiding citizen by obtaining a driver's license. Furthermore, Respondent has not only proven that he is not a danger to the community, but in fact, an asset to the community. In his role as youth leader in his church, he has done extensive outreach to at-risk youth. His role as a family man in caring for his wife and his stepdaughters is exemplary. All of these factors are contrary to the allegations underlying the second degree assault charge.
15. Equally as important the Respondent is not a flight risk. The Respondent has been in the United States for ## years and during this time in the United States, he has had a fixed address, stable employment, and close family and community ties in the area. If released, Respondent has every incentive to appear for any and all future court hearings as he is prima facie eligible and will be applying non-LPR cancellation of removal relief pursuant to INA § 240A(b). Moreover, as stated above, the Respondent has significant personal and financial ties in the United States—namely his wife and his stepdaughters, [First Name] and [First Name], who are enrolled in school in Maryland. (*See Exhibit E*).
16. In *Matter of San Martin*, 15 I&N Dec. 167 (BIA 1974), the Board permitted respondent's release on \$15,000 bail despite several adverse factors including: a record of nonappearance in court proceedings; prior flight; the existence of a criminal record of conviction for possession of cocaine; a history of immigration law violations; an unlawful entry; and the absence of any close family ties. In the instant case, Respondent provides evidence well in excess of his burden under the factors enumerated above. The length of time the Respondent has been in the United States, his significant familial, personal, and financial ties in the United States, and the great possibility of relief from removal, vitiate greatly against the Respondent becoming a flight risk and give him every incentive to appear for all future court hearings.
17. The continuation of detention without bond in this case would simply be punitive to the Respondent, and his family who depend on the Respondent financially and emotionally. Respondent therefore requests that this Court set a bond in an amount of \$6,500.00.

CONCLUSION

WHEREFORE, the Respondent respectfully requests that this Court release him under bond in the amount of \$6,500.00.

Respectfully submitted,

Date: August ##, 2020

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Date: August ##, 2020

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**UNITED STATES DEPARTMENT OF JUSTICE
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IMMIGRATION COURT
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In the Matter of:	*	In Bond Proceedings
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First Name LAST NAME	*	DETAINED
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Case No. A###-###-###	*	Judge: Elizabeth A. Kessler
	*	

INDEX OF EXHIBITS

<u>Exhibit</u>	<u>Description</u>	<u>Pages</u>
A.	Copy of Notice to Appear dated July ##, 20## and copy of DHS Form I-286, Notice of Custody Determination, dated July ##, 20##.....	1-3
B.	Evidence of the Respondent’s family ties to the United States: <ol style="list-style-type: none"> 1) Copy of Certificate of Marriage for the Respondent to [First Name Last Name], along with a copy of her Employment Authorization Card, category A12, evidencing her TPS status; 2) Copies of the birth certificates for the Respondent’s stepchildren, [First Name Last Name], age ##, and [First Name Last Name], age ##; 3) Copy of Consent Custody Order verifying that [First Name Last Name] lives with Ms. [Last Name] and the Respondent and [First Name] visits them on a regular basis..... 	4-8
C.	Evidence that the Respondent’s family is facing considerable hardship due to his continued detention: <ol style="list-style-type: none"> 1) Affidavit of Ms. [First Name] [Last Name], the Respondent’s wife, attesting to Respondent’s good moral character and the hardship the family is facing as a result of his continued detention; 2) Letter of [First Name Last Name], the Respondent’s ## year-old step daughter attesting to the Respondent’s good moral character; 3) Letter from [First Name Last Name] to the Respondent; 4) Picture of [First Name]’s medication and information regarding [Medicine] prescribed to [First Name] to ADHD; 5) Copy of Psychological Report for [First Name Last Name], dated May ##, 20## evidencing her diagnosed ADHD and her continued need for special education services through the Individualized Education Program (IEP); 6) Copy of Report by Ms. [Last Name], Speech and Language Pathologist, dated May ##, 20## evidencing [First Name Last Name]’s need for speech and language assessment; 	

	<ul style="list-style-type: none"> 7) Copies of visit notes for Ms. [Last Name]'s visit for screening for a cardiovascular condition, on July ##, 20##; 8) Copies of visit summaries for Ms. [Last Name]'s psychiatric visits on [January ##, 20##] and [March ##, 20##] which evidence her diagnosis of anxiety disorder; 9) Copies of medication prescribed to Ms. [Last Name] along with information regarding [Medicine], prescribed to treat anxiety and panic disorders, and [Medicine], prescribed to treat depression..... 	9-61
D.	<ul style="list-style-type: none"> 1) Copies of paystubs from [Employer] evidencing the Respondent's stable employment as an electrician; 2) Affidavit of [Employer], with whom the Respondent worked from 20## to 20## as a painting subcontractor; 3) Letter from [First Name Last Name] along with Articles of Incorporation and Corporate Charter Approval Sheet for [Employer] for whom the Respondent was employed from 20## to 20## as a painter..... 	62-68
E.	Copy of report card for [First Name] evidencing that the Respondent's stepdaughter is enrolled in fourth grade at [School] Elementary school in [City], Maryland; and copy of report card for [First Name Last Name], evidencing the Respondent's stepdaughter's enrollment in ## grade at [School] Middle School.....	69-70
F.	<p>Evidence of the financial hardship that the Respondent's children are facing due to the Respondent's continued detention:</p> <ul style="list-style-type: none"> 1) Copy of Ms. [Last Name]'s paystubs evidencing her average monthly income of \$####.00; 2) Copies of documentation of Ms. [Last Name]'s monthly expenditures totaling \$####.93, well above her income, including: <ul style="list-style-type: none"> i. Lease agreement evidencing Respondent and Ms. [Last Name] are responsible for a \$####.00 monthly rent payment; ii. Copies of checks in the amount of \$###.00 for weekly babysitter expenses for [First Name]'s care; iii. Car payment agreement evidencing her expenditures of \$###.00 biweekly; iv. Car insurance in the amount of \$###.00; v. Internet, TV, and phone bill in the amount of \$###.93; 3) Evidence of additional medical bills Ms. [Last Name] is responsible for paying for [First Name]'s dental procedures: <ul style="list-style-type: none"> i. Past due medical bill for emergency treatment for [First Name] at the Children's Hospital on May ##, 20##; and ii. Estimates of additional dental work that [First Name] will need to undergo, dated August ##, 20##..... 	71-87
G.	<p>Evidence of the Respondent's physical presence:</p> <ul style="list-style-type: none"> 1) Copy of residential lease, dated December #, 20##, evidencing the Respondent's fixed address; 2) Copy of registration certificate for the Respondent's vehicle registered with Maryland's Motor Vehicle Administration, expiring on January #, 20##; 	

	<ol style="list-style-type: none"> 3) Copy of hotel booking confirmation for the Respondent for his family vacation to Virginia Beach from August ##, 20## to August ##, 20##; 4) Copy of Individual Taxpayer Identification Number assigned to the Respondent by the Internal Revenue Service, dated March #, 20##; 5) Copy of the Employer Identification Number assigned to the Respondent's Company, [Employer] on December ##, 20##, along with the Articles of Organization for the Respondent's company; 6) Copy of the Respondent's 20## Tax Returns; 7) Copy of the Respondent's 20## Tax Returns; 8) Copy of the Respondent's Certificate for completing fourth bimester of the Laborer Academy at his church, [Name of Church], dated June ##, 20##; 9) Copy of church group photograph of Men Meeting for October 20## and Name Tag for the church's Men Meeting for 20##, where he assisted as a volunteer; 10) Copy of Respondent passport issued to him at the [---] embassy on April ##, 20##; 11) Copy of photograph of the Respondent, dated March ##, 20##; 12) Copy of photograph of the Respondent, dated November ##, 20##..... 	88-114
H.	<p>Evidence that the Respondent has ties to the community, is a person of good moral character, and is not a danger to the community:</p> <ol style="list-style-type: none"> 1) Certificate for Respondent for the successful completion of the fourth bimester of the "Laborer Academy," dated June ##, 20##; 2) Affidavit from Pastor, [First Name Last Name], attesting to the Respondent's good moral character; 3) Affidavit of [First Name Last Name], describing Respondent as "reliable, trustworthy and [his] true character has greatly reflected in his service and responsibility"; 4) Sworn Statement from [First Name Last Name], who describes the Respondent as "a respectful man" and "an integral person who loves God"; 5) Sworn Statement [First Name Last Name], describing Respondent's work in the community as a youth leader and his role as a father to his stepdaughters; 6) Affidavit from [First Name Last Name], attesting to Respondent's "integral character"; 7) Affidavit from [First Name Last Name], attesting to Respondent's generosity and describing him as "a very kind person"; 8) Affidavit from [First Name Last Name], describing Respondent as "extremely trustworthy, reliable, and considerate"; 9) Affidavit of [First Name Last Name], attesting that Respondent is "trustworthy, helping, kind, hardworking and supportive person"; 10) Affidavit of [First Name Last Name], describing the Respondent as "an amazing father and husband"; 11) Affidavit of [First Name Last Name], describing Respondent as "a family man"; 	

	<p>12) Affidavit of [First Name Last Name], describing Respondent as “honest, hardworking, and kind”;</p> <p>13) Affidavit of [First Name Last Name], describing Respondent as having “strong qualities, ethics and [] determination to succeed”;</p> <p>14) Affidavit of [First Name Last Name], describing the Respondent as an “excellent spouse, father, and friend”;</p> <p>15) Affidavit of [First Name Last Name], describing Respondent as “a loving husband, father, and friend”;</p> <p>16) Affidavit of [First Name Last Name], describing Respondent as “an honest, hardworking, and kind person”;</p> <p>17) Affidavit of [First Name Last Name], describing Respondent as “a respectful person”;</p> <p>18) Affidavit of [First Name Last Name], describing the Respondent as “a great husband, an excellent father, and a generous person”;</p> <p>19) Affidavit of [First Name Last Name], describing Respondent as “a very respectful person,” and a “family man”; and</p> <p>20) Letter from [First Name Last Name], describing the Respondent’s dedication as a youth leader at church;</p> <p>21) Sworn Statement from [First Name Last Name]and [First Name Last Name], attesting to Respondent’s service in the court and his kind and exemplary attitude.....</p>	115-138
I.	Copies of the Respondent’ federal and state tax returns filed for 20## and 20##.....	139-151
J.	<p>1) Respondent’s criminal and traffic violations history chart, along with Maryland Judiciary Case Search Printout and Trial Summary for 7/##/20## and 01/##/20## convictions;</p> <p>2) Copy of Notice of Sentencing from District Court of Maryland for Howard County evidencing Respondent Case No. [0000000000] remains pending;</p> <p>3) Copy of Notice from the Maryland Division of Parole and Probation regarding District Court’s referral for a Pre-Sentence Investigation.....</p>	152-163
K.	<p>Additional evidence of good moral character:</p> <p>1) Copy of letter, dated March ##, 20##, evidencing Respondent received alcohol and drug assessment on March ##, 20##;</p> <p>2) Copy of Aftercare Plan from [-----] County Health Department Bureau of Substances Abuse Services evidencing Respondent completed alcohol treatment on August ##, 20## and has been rehabilitated;</p> <p>3) Copy of Respondent’s change of address card showing he has a valid driver’s license⁴;</p> <p>4) Respondent’s mother’s identification of disability with English translation;</p> <p>5) Letter from mom’s doctor, with English translation;</p> <p>6) Letter from dad’s doctor, with English translation; and</p>	

⁴ Respondent’s driver’s license was confiscated by ICE upon his detention.

	7) Recent history of Respondent's [Bank] account for remittances sent to parents in [Country] evidencing parent's financial reliance of Respondent.....	164-178
L.	Respondent's draft Form EOIR-42B, Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Resident.....	179-188

First Name LAST NAME

###-###-###

PROOF OF SERVICE

On August ##, 2020 I, Lucelia R. Justiniano

caused to be served a copy of RESPONDENT'S MOTION FOR CUSTODY AND BOND REDETERMINATION

and any attached pages to the DHS-ICE Office of the Chief Counsel

at the following address: 31 Hopkins Plaza, Room 1600, Baltimore, Maryland 21201

by hand delivery.

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EOIR ID No. ZZ#####
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Counsel for Respondent

Date

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In the Matter of:	*	
	*	In Bond Proceedings
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[First Name LAST NAME]	*	DETAINED
	*	
Case No. A###-###-###	*	Judge: Elizabeth A. Kessler
	*	

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the RESPONDENT'S MOTION FOR CUSTODY AND BOND REDETERMINATION in the above captioned matter, and any response thereto, it is HEREBY ORDERED, that

the Motion is: _____ Granted & Respondent and be set in the amount of _____
_____ Denied

because: _____

Date

Elizabeth A. Kessler
U.S. Immigration Judge
Baltimore, MD

Certificate of Service

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