

MASSACHUSETTS SUPREME JUDICIAL COURT

Commonwealth v. Chhieng

SJC-13817 · No. SJC-13817 · Decided May 7, 2026

SUMMARY

The Massachusetts Supreme Judicial Court held that a defendant who admitted to sufficient facts was entitled to withdraw those admissions because the plea judge warned only that a conviction could have immigration consequences, without warning that the admissions themselves could do so. The court also held that an additional former rule-based immigration warning did not cure the deficient statutory warning. Because federal immigration authorities had initiated deportation proceedings based on the admissions, the defendant demonstrated an actual prospect of deportation under G. L. c. 278, § 29D.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
WRITING FOR THE COURT	Budd, C.J.; Gaziano, J.; Kafker, J.; Wendlandt, J.; Georges, J.; Dewar, J.; Wolohojian, J.
JURISDICTION	Massachusetts Supreme Judicial Court
DECIDED	May 7, 2026
DOCKET	SJC-13817
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The defendant appealed from the denial of his motion to withdraw admissions to sufficient facts, and the Supreme Judicial Court granted direct appellate review.
STANDARD OF REVIEW	De novo review of the legal requirements for withdrawing admissions to sufficient facts under G. L. c. 278, § 29D.
PRECEDENTIAL VALUE	Published and precedential Massachusetts Supreme Judicial Court opinion.
PARTIES	Sambath Chhieng v. Commonwealth

TOPICS

- criminal procedure
- deportation
- post-conviction relief
- appellate procedure
- statutory interpretation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the defendant received the immigration warning required by G. L. c. 278, § 29D, when the judge warned only that a conviction could have immigration consequences and did not state that an admission to sufficient facts could have those consequences.
2. Whether an additional immigration warning under former Mass. R. Crim. P. 12 rule (b) remedied the failure to provide the statutory § 29D warning.
3. Whether the defendant demonstrated that he actually faced the prospect of deportation despite the dismissal without prejudice of the deportation proceedings.

HOLDINGS

1. The defendant did not receive the warning required by G. L. c. 278, § 29D, because the judge warned only that a conviction could have immigration consequences and failed to advise that an admission to sufficient facts could have those consequences.
2. A warning under former Mass. R. Crim. P. 12 rule (b) is not a substitute for the statutorily required warning under G. L. c. 278, § 29D.
3. The defendant established the actual prospect of deportation because the Federal government had initiated deportation proceedings based on his admissions, even though those proceedings were later dismissed without prejudice.

KEY QUOTATIONS

“Before entering a plea of guilty, a plea of nolo contendere, or an admission to sufficient facts to warrant a finding of guilty, defendants must be warned of the immigration consequences that any noncitizen might face as a result of the plea or admission.” (2)

“We reiterate that a then-adequate rule [b] warning is not a substitute for the statutorily required § 29D warning.” (7)

“Although the immigration proceeding was later dismissed due to a technical defect in the defendant's notice to appear, it was dismissed without prejudice.” (8)

FACTUAL BACKGROUND

In 2015, Sambath Chhieng, a lawful permanent resident, was charged with possession with intent to distribute and distribution of a class B controlled substance. He admitted to sufficient facts on both charges and received a continuance without a finding. The plea judge warned that a conviction could have immigration consequences but did not warn that an admission to sufficient facts could have those consequences. Immigration and Customs Enforcement initiated deportation proceedings based on the admissions, but the proceedings were later dismissed without prejudice because the notice to appear lacked a hearing date.

PROCEDURAL HISTORY

In the Peabody Division of the District Court Department, the defendant admitted to sufficient facts on two controlled-substance charges, and the proceedings were continued without a finding. Immigration and Customs Enforcement later initiated deportation proceedings based on the admissions, but those proceedings were dismissed without prejudice because the notice to appear lacked a hearing date. The defendant moved under G. L. c. 278, § 29D, to vacate the admissions; the motion judge denied relief after a nonevidentiary hearing. The Supreme Judicial Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter is remanded to the District Court for further proceedings consistent with the opinion, including relief on the defendant's motion to withdraw his admissions to sufficient facts.

CASES CITED

- Commonwealth v. Villalobos, 437 Mass. 797, 800 (2002)
- Commonwealth v. Petit-Homme, 482 Mass. 775, 780 n.6, 784-787 (2019)
- Commonwealth v. Berthold, 441 Mass. 183, 185 (2004)
- Commonwealth v. Grannum, 457 Mass. 128, 136 & n.14 (2010)