

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

PAOLINA MILARDO and ARNALDO)
GIAMMARCO,)
)
 Petitioners,)
)
 v.)
)
 R. GIL KERLIKOWSKE,)
 Commissioner, U.S. Customs and)
 Border Protection; JEH JOHNSON,)
 Secretary, U.S. Department of)
 Homeland Security; SARAH)
 SALDAÑA; Director, U.S.)
 Immigration and Customs)
 Enforcement; and LORETTA E.)
 LYNCH, Attorney General,)
)
 Respondents.)
)

Misc. No. _____

March 16, 2016

EMERGENCY PETITION FOR WRITS OF HABEAS CORPUS AD TESTIFICANDUM

Petitioners Paolina Milardo and Arnaldo Giammarco, former legal permanent residents of the United States for 50 years who have been deported to Italy, hereby make emergency application to this Court for writs of habeas corpus *ad testificandum*. Representative William Tong and Senator Eric Coleman, Co-Chairs of the Judiciary Committee of the Connecticut General Assembly, have exercised their constitutional and statutory powers by issuing legislative subpoenas to command the in-person testimony of both Mrs. Milardo and Mr. Giammarco at a Judiciary Committee hearing at the Hartford Legislative Office Building on April 4, 2016. See Ex. A, Subpoenas Ad Testificandum from Judiciary Committee to Paolina Milardo and Arnaldo Giammarco (Feb. 25, 2016). The Committee has scheduled the hearing to investigate the impact of Connecticut

convictions on Connecticut immigrant families whose members have been deported or threatened with deportation. The Committee has also requested Mrs. Milardo and Mr. Giammarco's presence to evaluate their credibility, as well as their acceptance of responsibility and remorse for the events that resulted in their deportation.

Mrs. Milardo and Mr. Giammarco, each of whom is currently in Italy, seek to comply with the legislative subpoenas. They have applied to the Electronic System for Travel Authorization ("ESTA"), a travel preclearance program operated by U.S. Customs and Border Protection ("CBP"), a division of the U.S. Department of Homeland Security ("DHS"). Through ESTA, and consistent with enforcement of removal orders entered by the Department of Justice, CBP has denied both Mrs. Milardo and Mr. Giammarco entry into the United States, restricting their movements such that they cannot attend the April 4 legislative hearing at which Connecticut legislators have demanded their presence.

Mrs. Paolina Milardo immigrated to the United States from Italy in 1961 when she was 11 years old. She was a lawful permanent resident of the United States for almost 50 years before she was deported in 2011 after pleading guilty to her first and only criminal offense: a nonviolent conviction for larceny in the first degree. Her deportation separated her from her husband—a disabled Vietnam veteran—as well as their three children and six grandchildren, all U.S. citizens who reside in Connecticut.

Mr. Arnaldo Giammarco immigrated to the United States from Italy in 1960 when he was a young boy. He lived in Connecticut as a lawful permanent resident

for more than fifty years. During this time, he served honorably in the U.S. Army and the Connecticut Army National Guard. In May 2011, U.S. Customs & Immigration Enforcement (“ICE”) arrested, detained, and placed Mr. Giammarco in removal proceedings. ICE deported Mr. Giammarco in 2012, based on non-violent offenses stemming from his past period of addiction.

This Court should issue the writs here. First, the testimony of Mrs. Milardo and Mr. Giammarco is material and necessary for the Judiciary Committee’s investigation. Second, no reasonable alternatives to their live testimony for the assessment of credibility and remorse exist. Third, the presence of neither Mrs. Milardo nor Mr. Giammarco for testimony poses any security risk. Fourth, the writs here would impose virtually no cost on the federal government, as Mrs. Milardo and Mr. Giammarco would travel at their own expense. Finally, issuing the writs will respect the exercise of sovereign powers by the state legislature and the judgment of the Co-Chairs of the Judiciary Committee that the in-person testimony of these two deported long-time Connecticut residents is necessary and proper.

Because the Judiciary Committee hearing will occur less than three weeks from today, the Court should expeditiously order Respondents to show cause why the writs should not be issued and grant the writs.

JURISDICTION AND VENUE

1. Jurisdiction is conferred on this Court by 28 U.S.C. §§ 1331, 2241(c)(5).
2. By statute and under common law, venue lies within the District of

Connecticut because the legislative proceeding for which Mrs. Milardo and Mr. Giammarco's testimony is sought will occur in Connecticut. See 28 U.S.C. § 1391(b)(1); 28 U.S.C. § 2241(c)(5).

3. No petition for habeas corpus *ad testificandum* has been filed in this or any other court to effectuate the presence of Mrs. Milardo and Mr. Giammarco at the April 4 Judiciary Committee hearing, nor has a petition for habeas corpus *ad testificandum* been filed in this or any other court to effectuate the presence of Mrs. Milardo at her state habeas trial, set for April 18 and 20, 2016.

PARTIES

4. Petitioner Paolina Milardo was a lawful permanent resident of the United States until entry of a final order of removal against her in 2011. An Italian citizen, she has been denied entry to the United States by CBP through ESTA. She is in custody of DHS, or alternatively, the Department of Justice ("DOJ").

5. Petitioner Arnaldo Giammarco was a lawful permanent resident of the United States until entry of a final order of removal against him in 2012. An Italian citizen, he has been denied entry to the United States by CBP through ESTA. He is in custody of DHS, or alternatively, DOJ.

6. Respondent Jeh Johnson is the Secretary of Homeland Security, the department that includes ICE. He is sued in his official capacity.

7. Respondent R. Gil Kerlikowske is the Commissioner of U.S. Customs and Border Protection. CBP administers the Electronic System for Travel Authorization, which requires potential visitors to the United States to fill out an authorization form online in advance of travel to the United States. He is sued in

his official capacity.

8. Respondent Sarah Saldaña is the Director of U.S. Immigrant and Customs Enforcement, the government agency that enforces federal laws governing border control. ICE detained and removed Petitioners to Italy, and is responsible for enforcing the bar to Petitioners' re-entry to the United States. Director Saldaña is sued in her official capacity.

9. Respondent Loretta Lynch is the Attorney General of the United States. Immigration Judges and the Board of Immigration Appeals, both within DOJ, have responsibility for adjudicating removal cases and administrative appeals. Mrs. Milardo and Mr. Giammarco are subject to DOJ's removal orders. Attorney General Lynch is sued in her official capacity.

STATEMENT OF FACTS

Legislative Subpoenas: 2016

10. On February 25, 2016, Representative William Tong and Senator Eric Coleman, Co-Chairs of the Judiciary Committee of the Connecticut General Assembly, issued legislative subpoenas ad testificandum for both Mrs. Milardo and Mr. Giammarco. A State Marshal served the subpoenas on undersigned counsel the next day. See Ex. A.

11. The subpoenas command Mrs. Milardo and Mr. Giammarco to appear in Room 2C of the Legislative Office Building in Hartford, Connecticut, at 1:00 p.m. on April 4, 2016.

12. The subpoenas seek the in-person testimony of Mrs. Milardo and Mr. Giammarco about the impact of Connecticut criminal convictions on immigrant

households, including the Milardo and Giammarco families, affected by deportation or the threat of deportation.

13. The Judiciary Committee has requested that Mrs. Milardo and Mr. Giammarco appear personally for the hearing so that members of the Judiciary Committee could ask them questions and assess their credibility and remorse for their convictions.

14. Mrs. Milardo and Mr. Giammarco seek to comply with their subpoenas, which command their personal attendance “on penalty of law.” Ex. A. On February 29, 2016, both Mrs. Milardo and Mr. Giammarco filed applications for humanitarian parole with ICE, citing their need to enter the United States to testify before the Judiciary Committee and, in Mrs. Milardo’s case, to testify before the Connecticut Superior Court in her state habeas trial. See 8 C.F.R. § 212.5 (parole is justified where “[a]liens . . . will be witnesses in proceedings being, or to be, conducted by judicial, administrative, or legislative bodies in the United States”). ICE denied both applications on March 9, 2016.

15. On March 6, 2016, Mrs. Milardo and Mr. Giammarco applied to ESTA, a necessary step to receive authorization to travel back to the United States. See 8 C.F.R. 217.5(a) (“Each nonimmigrant alien intending to travel by air or sea to the United States under the Visa Waiver Program (VWP) must . . . receive a travel authorization . . . via . . . ESTA.”). CBP operates ESTA, and on March 6, 2016, CBP denied both Mrs. Milardo and Mr. Giammarco their necessary travel authorizations.

16. On March 11, 2016, Mrs. Milardo and Mr. Giammarco applied for B-2

visitor visas, the visas necessary for a foreign citizen to enter the United States for non-business purposes. As of this filing, their visa applications are pending. Both Mrs. Milardo and Mr. Giammarco have appointments with the U.S. Consulate General of the United States in Naples, Italy on March 17, 2016 to apply for waivers of inadmissibility. See 8 U.S.C. § 1182(d)(3).

Petitioner Paolina Milardo

Life in Connecticut: 1961-2011

17. Petitioner Paolina Milardo (née Emanuele) was born in Melilli, a small town in eastern Sicily, in 1950. She entered the United States as a lawful permanent resident with her family in 1961 at the age of 11.

18. Paolina Emanuele grew up in Middletown, Connecticut.

19. In 1969, Ms. Emanuele met Anthony Milardo, a Middletown resident who was also born in Melilli, Sicily and had also immigrated lawfully to the United States with his family during his childhood.

20. At the time they met, Mr. Milardo had recently been honorably discharged from the U.S. Army after a tour of duty in Vietnam. Following his military service, Mr. Milardo had returned home to Middletown, taken a job with the United States Postal Service, and become a naturalized U.S. citizen.

21. On April 11, 1970, Ms. Emanuele and Mr. Milardo married. Shortly thereafter, she changed her name to Paolina Milardo.

22. In 1972, the Milardos started a family with the birth of their daughter Angela. Over the next few years they had two more children, Salvatore and Lucinda.

23. In the early years of their marriage, Mr. Milardo struggled with undiagnosed and untreated Post-Traumatic Stress Disorder (“PTSD”) caused by wounds from the Vietnam War. The PTSD caused marital problems, which led the Milardos to separate from 1987 to 1991. The Milardos reunited in 1991.

24. When her children eventually had their own children, six in total, Mrs. Milardo helped care for them as their grandmother.

25. In 2006, Mr. Milardo was diagnosed with stage III colon cancer and received treatment from a private doctor in Middletown. In 2007, he sought care from the U.S. Department of Veterans Affairs (“VA”). While receiving cancer treatment at the VA, Mr. Milardo was diagnosed with PTSD, for which he had previously sought and been denied treatment.

26. Due to his cancer diagnosis, Mr. Milardo retired from the Postal Service in 2006. Because Mr. Milardo had been the family’s primary breadwinner, his unplanned early retirement caused the Milardos to fall into debt.

27. The stress of Mr. Milardo’s cancer took its toll on the Milardos. To escape from his anxiety, Mr. Milardo would gamble at casinos and often asked Mrs. Milardo to accompany him. Eventually, and without realizing it, Mrs. Milardo developed a gambling addiction.

28. Mrs. Milardo began to steal money from an elderly friend in Middletown in order to feed her addiction. Over the course of many months, Mrs. Milardo convinced her friend to give her money by calling on the phone, using a false identity, and claiming that her friend was in debt.

29. On September 1, 2009, Mrs. Milardo was arrested and charged with Larceny in the First Degree. This was the first and only time Mrs. Milardo has ever been arrested or charged with a crime.

30. In 2010, Mrs. Milardo pled guilty to first-degree larceny. She pled guilty because her defense attorney failed to advise her that she was pleading guilty to an “aggravated felony,” which under federal law results in mandatory detention without possibility of bond and automatic deportation from the United States. At the time, Mrs. Milardo had no idea her plea would trigger immigration consequences. This ineffective advice is the subject of a state *habeas corpus* petition pending before the Connecticut Superior Court. *Milardo v. State of Connecticut*, Dkt. No. TSR-cv-15 400 72 17.

31. Prior to her sentencing, the Connecticut Department of Mental Health and Addiction Services (“Addiction Services”) determined that Mrs. Milardo met the diagnostic criteria for Pathological Gambling, a recognized psychological disorder in DSM-IV (now classified as Gambling Disorder in DSM-5).

32. Between February 2010 and May 2010, Addiction Services treated Mrs. Milardo twice a week for this disorder. Mrs. Milardo attended her treatment sessions and demonstrated a high level of commitment to recovery. Addiction Services concluded that Mrs. Milardo’s prognosis to remain abstinent from gambling was “quite good.”

33. As a practicing Roman Catholic, Mrs. Milardo also regularly attended her church, Saint Sebastian, and received counseling and guidance from her priest.

34. After entering her plea but before her sentencing, Mrs. Milardo paid substantial restitution to her friend.

35. On May 18, 2010, Mrs. Milardo began her sentence in the custody of the Connecticut Department of Correction at the York Correctional Institution.

Removal Proceedings

36. On October 18, 2010, Mrs. Milardo was released on transitional supervision after completing half of her 10-month incarceration pursuant to Conn. Gen. Stat. § 18-100c.

37. On November 12, 2010, ICE issued a Notice to Appear that charged Mrs. Milardo as removable solely due to her May 18, 2010 plea to Larceny in the First Degree.

38. On May 25, 2011, ICE arrived at the Milardos' home and arrested Mrs. Milardo.

39. On August 29, 2011, Mrs. Milardo appeared before the Immigration Court in Boston, Massachusetts. Because she had pled guilty to an aggravated felony, Mrs. Milardo was compelled to concede that she was removable as charged. The Immigration Judge ordered her removed from the United States. With no relief from removal available, Mrs. Milardo did not file an appeal with the Board of Immigration Appeals ("BIA").

40. ICE removed Mrs. Milardo to Italy on October 19, 2011.

Exile in Italy: 2011-Present

41. Less than two months after Mrs. Milardo's deportation, her daughter Lucinda was diagnosed with breast cancer. Lucinda underwent multiple surgeries and Mrs. Milardo was unable to visit or care for her throughout this painful time.

42. Mr. Milardo—now a retired postal worker rated 80% disabled by the VA—began paying for the maintenance of two households after his wife's deportation: his own in Connecticut and his wife's in Italy. Mr. Milardo is able to afford only one trip each year, at most, to visit his wife due to his limited finances.

43. When he is with his wife in Italy, Mr. Milardo cannot receive the treatment he needs from the VA for PTSD, Type II diabetes, and to monitor his colon cancer. Due to those ailments, as well as tinnitus, neuropathy, and hypertension, the VA has rated him as 80% disabled.

44. Mrs. Milardo now resides in Sicily, where she is isolated and has few contacts. She is a 66-year-old grandmother living in exile from her home and family in Connecticut.

45. Mrs. Milardo also suffers from health problems, including phlebitis, chronic Hepatitis B, and Chronic Pain Syndrome. Due to her deportation, she is unable to be with her husband on a daily basis and the couple is unable to care for each other as they age.

46. Mrs. Milardo will always consider Connecticut to be her true home.

State Habeas Trial

47. Mrs. Milardo's state trial seeking a writ of *habeas corpus* is set for April 18 and 20, 2016. *Milardo v. State of Connecticut*, Dkt. No. TSR-cv-15 400 72

17. There, Mrs. Milardo will testify about how her defense attorney never informed her that she was pleading guilty to an aggravated felony, nor that her plea would result in immigration consequences.

48. Her testimony at this trial will be critical: at the heart of the case are factual questions regarding the lack of competent advice provided to Mrs. Milardo. If Mrs. Milardo is not permitted to testify in person at her own habeas trial, the resolution of factual questions would be unfairly prejudiced in favor of her defense attorney, who will testify in person.

Internet Problems

49. Mrs. Milardo's Internet problems make it difficult for her to communicate over videoconferencing. Internet coverage in Melilli, where Mrs. Milardo lives, is not reliable. The town often experiences outages that last for several hours, days, or even weeks; indeed, Mrs. Milardo has not had access to broadband Internet for nearly a month. A reliability test indicated that her connection scored a "D" grade, defined as: "Concerning. Most online applications will not perform well but should function in some capacity." Because of her poor connection, Mrs. Milardo has had difficulty communicating with her family, her attorneys, and journalists.

Petitioner Arnaldo Giammarco

Childhood in America: 1960-1975

50. Arnaldo Giammarco was born in Italy in 1956. On July 4, 1960, he and his family immigrated to the United States as lawful permanent residents. The

Giammarcos reunited with family already living in America, including his grandparents, aunts, uncles, and cousins.

51. The Giammarcos settled in the South End neighborhood of Hartford, Connecticut, where Mr. Giammarco and his sisters, Dora and Dionisia, attended elementary school. At age nine, Mr. Giammarco began working, first as a paperboy and then as a dishwasher at a nursing home behind his parents' house. When Mr. Giammarco was twelve, his brother Pietro was born.

52. Mr. Giammarco attended Bulkeley High School in Hartford and participated in numerous activities, including football and wrestling.

53. During his sophomore year, Mr. Giammarco had a serious accident. He fell into a ravine and lay there overnight until he was found in the morning. As a result of his serious injuries, Mr. Giammarco was placed in an induced coma for several weeks, underwent a tracheotomy, and spent over a month in the hospital.

54. Mr. Giammarco enjoyed high school, but he struggled in the classroom after his accident. He found it difficult to concentrate while taking the strong painkillers proscribed by his doctor. At the end of his junior year, high school officials informed Mr. Giammarco that he would have to repeat the eleventh grade. He left school to work full-time and support his family.

Military Service: 1976-1983

55. Around this time, Mr. Giammarco's grandfather Pietro Giammarco, a U.S. Army veteran, lived with the family in Hartford. Mr. Giammarco often heard stories of his grandfather's service on behalf of the United States in the First World War.

56. Pietro Giammarco had arrived in the United States through Ellis Island in 1913. He enlisted in the U.S. Army in 1917, served honorably for two years, and was wounded in combat on the Western Front. After the First World War, Pietro Giammarco applied for naturalization. He became a U.S. citizen in 1920 and later moved to Italy where he married Arnaldo Giammarco's grandmother and started a family.

57. Mr. Giammarco's father, Lino Giammarco, also served in the military as a young man. Lino Giammarco was born a U.S. citizen in Italy in 1922 but was conscripted into the Italian military during the Second World War. After the war, Lino Giammarco and his young wife were stranded in Italy. When the couple sought to immigrate to the United States in 1949, the U.S. Embassy in Rome misinterpreted the law and wrongfully denied their request because of Lino Giammarco's involuntary military service. Eventually the family was able to untangle the error and move to the United States in 1960.

58. Inspired by his grandfather's service, Mr. Giammarco dreamed of joining the U.S. Army and becoming a soldier.

59. After high school, Mr. Giammarco decided to enlist in the U.S. Army. He joined in 1976 and attended initial training in Oklahoma, where he specialized in field artillery. He was then stationed overseas in Germany.

60. Mr. Giammarco earned numerous certificates of achievement during his military career. During his service overseas, Mr. Giammarco became a guard for the North Atlantic Treaty Organization ("NATO") and received a security clearance from this organization. Only a handful of soldiers in each battery were

selected to hold this duty.

61. Mr. Giammarco left the Army with renewed confidence and pride in his achievements. After receiving an honorable discharge, Mr. Giammarco joined the Connecticut Army National Guard in Hartford. As a member of the Guard, Mr. Giammarco developed the skills that he had acquired in the Army. During training exercises, he operated self-propelled howitzer cannons and ammunition trucks.

62. Mr. Giammarco served honorably in the National Guard from January 1980 to January 1983, attaining the rank of Sergeant (E-5). Mr. Giammarco's enlisted evaluation report from this period states that his "judgment, integrity, and exemplary personal conduct have won the respect of all associated with him."

Naturalization Process: 1981-1988

63. In February 1982, Mr. Giammarco filed a naturalization application with the Immigration and Naturalization Service ("INS"). In April 1982, INS conducted a preliminary investigation and interviewed Mr. Giammarco. Subsequently, he submitted a requested update regarding a 1981 criminal charge pending at the time of the interview and that was later nolle. Mr. Giammarco received no additional correspondence regarding his application and did not pursue the matter further.

64. In September 1988, nearly six years after Mr. Giammarco filed his application, the Federal Bureau of Investigation told INS that it could find no record of the disposition of the 1981 charge.

65. In fall 2013, Mr. Giammarco filed a mandamus action to compel DHS

to adjudicate his long-pending naturalization application. That action is pending.

Career and Family: 1983-2010

66. After his return from the Army, Mr. Giammarco opened a small mom-and-pop store on Maple Street in Hartford called Giammarco's Market.

67. While Mr. Giammarco was working in Hartford in the early 1980s, he met his first wife. The couple married in 1988 and divorced in 1993.

68. After his divorce, Mr. Giammarco suffered emotional difficulties. He developed an addiction to cocaine, lost his job, and shoplifted to support his addiction. Mr. Giammarco was convicted of 31 non-violent offenses related to his addiction and over a number of years served approximately 20 months total in prison.

69. In 2000, Mr. Giammarco met Sharon Blair. The couple found solace in each other during a difficult period in their lives. Over time, they fell in love.

70. Following his last arrest in 2007 and his daughter's birth in 2008, Mr. Giammarco pledged to turn his life around. He enrolled in a rehabilitation program and successfully ended his period of addiction.

71. Mr. Giammarco found a job at a McDonald's in Groton, Connecticut working third shift. He earned only \$8.00 an hour, but embraced the job as clean, honest work. He was eventually promoted to nighttime manager.

72. After working the night shift, Mr. Giammarco often cared for his daughter during the day while his wife pursued her education. On Sunday afternoons, Mr. Giammarco set aside time to visit his elderly parents.

73. On July 4, 2010, Arnaldo Giammarco and Sharon Blair married. They

chose this date because it was the fiftieth anniversary of the arrival of Mr. Giammarco and his parents in the United States. Ms. Blair's father, a local reverend, officiated.

74. After their wedding, the couple moved into a new apartment, bought their first car, a used Geo Metro.

Detention and Deportation: 2011-2012

75. On May 14, 2011, ICE agents arrested and detained Mr. Giammarco and placed him in deportation proceedings as part of Operation Endgame, an ICE initiative that sought to "remove all removable aliens" by 2012.

76. ICE agents issued a Notice to Appear alleging that Mr. Giammarco was deportable based on two 1997 shoplifting convictions and one 2004 possessory drug conviction. The agents transferred Mr. Giammarco to Bristol County Jail in North Dartmouth, Massachusetts.

77. While detained, Mr. Giammarco attended bible study and parenting classes, and served as a voluntary unit worker. The jail's Chief of Immigration Services described Mr. Giammarco as a "model detainee."

78. Mr. Giammarco's wife and daughter visited him regularly in jail, one or sometimes two times a week. During these visits, a glass partition separated Mr. Giammarco from his family.

79. On May 15, 2012, the Immigration Judge denied Mr. Giammarco's request for cancellation of removal and ordered Mr. Giammarco deported. The BIA affirmed.

80. Mr. Giammarco could not afford to appeal further without depleting

his daughter's college savings. His elderly mother had already withdrawn tens of thousands of dollars from her retirement and Social Security accounts to pay legal fees.

81. Two days after Thanksgiving in 2012, and after eighteen months in detention, ICE deported Mr. Giammarco to Italy, a country where he had not lived since he was a young boy.

82. Mr. Giammarco's removal has inflicted financial and emotional hardships on his wife and young daughter, as well as on his siblings and his elderly parents. Mr. Giammarco's wife and daughter started receiving Supplemental Nutrition Assistance Program (formerly Food Stamps) benefits for a period after his departure. On January 26, 2016, Mr. Giammarco's father passed away.

83. In Italy, Mr. Giammarco faces significant barriers to employment. He speaks only rudimentary Italian. He resides in a small town with distant cousins where residents shun Mr. Giammarco and regard him as a criminal.

Internet Problems

84. Mr. Giammarco cannot express himself fully over videoconferencing systems. Internet coverage in Campo di Fano, where he resides, is not reliable. Internet calls he makes unexpectedly end, requiring him to restart his Internet to reconnect the call. This has happened while speaking with advocates, as well as his family. Moreover, even when he does establish a working connection, his picture is granular and often freezes. Mr. Giammarco worries that he would be unable to meaningfully testify by videoconference at a legislative hearing.

CAUSE OF ACTION

85. Mrs. Milardo and Mr. Giammarco repeat and re-allege the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

86. Mrs. Milardo and Mr. Giammarco bring this Petition under 28 U.S.C. § 2241(c)(5) and the common law.

87. This Court may issue writs of habeas corpus *ad testificandum* because it is necessary to bring Mrs. Milardo and Mr. Giammarco to testify before the Connecticut General Assembly within the meaning of 28 U.S.C. § 2241(c)(5).

88. The writs of habeas corpus *ad testificandum* should be issued because Mrs. Milardo and Mr. Giammarco are in custody and their testimony is necessary and material to Judiciary Committee hearing. Mrs. Milardo's testimony is also necessary and material to her state habeas trial.

89. The writs of habeas corpus *ad testificandum* should be issued because no reasonable alternative exists to Mrs. Milardo and Mr. Giammarco's in-person testimony.

90. The writs of habeas corpus *ad testificandum* should be issued because Mrs. Milardo and Mr. Giammarco pose virtually no security risks. They consent to any conditions of supervision DHS may choose to impose, including release on electronic monitoring.

91. The writs of habeas corpus *ad testificandum* should be issued because the expense to the government associated with Mrs. Milardo and Mr. Giammarco's testimony is minimal, if not zero.

92. The writs of habeas corpus *ad testificandum* should be issued because they will effectuate and respect the exercise of sovereign powers by the Connecticut state legislature and the judgment of the Co-Chairpersons of the Judiciary Committee that the in-person testimony of these two deported residents is necessary and proper.

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray that this Court grant the following relief:

- (1) Issue writs of habeas corpus *ad testificandum* directing Respondents to modify their restraints on Mrs. Milardo and Mr. Giammarco so that Petitioners may travel to the United States and testify at the April 4, 2016 Connecticut Judiciary Committee proceeding as commanded by the legislative subpoenas issued February 25, 2016, and so that Mrs. Milardo may testify at her state habeas trial on April 18 and 20, 2016;
- (2) An award of attorney's fees and costs; and
- (3) Such other and further relief as is just and appropriate.

DATED: March 16, 2016
New Haven, Connecticut

Respectfully submitted,

/s/ Michael Wishnie

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Aaron Korthuis, Law Student Intern
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*Counsel for Petitioners***

Exhibit A

STATE OF CONNECTICUT
GENERAL ASSEMBLY
JUDICIARY COMMITTEE

SUBPOENA AD TESTIFICANDUM

To: Paolina Milardo
Via Mameli #1
Melilli PR 96010, Italia

c/o Michael J. Wishnie, Esq.
Jerome N. Frank Legal Services Organization
Yale Law School
127 Wall Street
New Haven, CT 06511
Counsel and Authorized Representative for Service

GREETINGS:

BY AUTHORITY OF THE STATE OF CONNECTICUT, and more particularly pursuant to section 2-46 of the Connecticut General Statutes, you are hereby commanded to appear before the Judiciary Committee of the Connecticut General Assembly, at an informational hearing to be held in Room 2C of the Legislative Office Building in Hartford, Connecticut at 1:00 p.m., on April 4, 2016, or on such day when such hearing is reconvened, to give your testimony on what you know regarding the inquiry before the committee concerning the impact of Connecticut criminal convictions on immigrant households, including the Milardo family, affected by deportation or threat of deportation. Your presence is necessary for committee members to evaluate your credibility, as well as your acceptance of responsibility and remorse for the specific events that occurred in this state which resulted in your deportation from the United States of America.

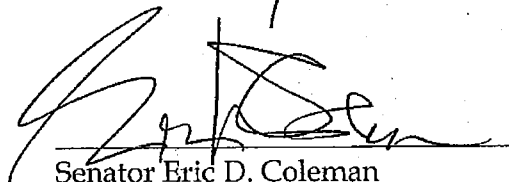
HEREOF fail not, under penalty of law

To any proper officer to serve and return.

Dated at Hartford, Connecticut this 25 day of February, 2016



Representative William Tong
House Co-Chairperson
Judiciary Committee
Connecticut General Assembly



Senator Eric D. Coleman
Senate Co-Chairperson
Judiciary Committee
Connecticut General Assembly

A TRUE COPY
ATTEST:



MICHAEL DELORENZO
CONNECTICUT STATE MARSHAL
& INDIFFERENT PERSON

STATE OF CONNECTICUT
GENERAL ASSEMBLY
JUDICIARY COMMITTEE

SUBPOENA AD TESTIFICANDUM

To: Arnaldo Giammarco
Via Sulmona 20
67030 Campo di Fano AQ, Italia

c/o Michael J. Wishnie, Esq.
Jerome N. Frank Legal Services Organization
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127 Wall Street
New Haven, CT 06511
Counsel and Authorized Representative for Service

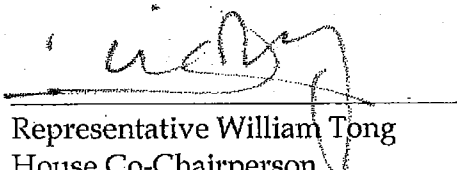
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HEREOF fail not, under penalty of law

To any proper officer to serve and return.

Dated at Hartford, Connecticut this 25th day of February, 2016


Representative William Tong
House Co-Chairperson
Judiciary Committee
Connecticut General Assembly


Senator Eric D. Coleman
Senate Co-Chairperson
Judiciary Committee
Connecticut General Assembly

A TRUE COPY
ATTEST:


MICHAEL DELORENZO
CONNECTICUT STATE MARSHAL
& INDIFFERENT PERSON