

Massachusetts judge and court officer charged with helping immigrant evade ICE officer

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A Massachusetts judge and a former court officer are being charged by federal authorities for allegedly helping an immigrant flee Immigration and Customs Enforcement (ICE) by letting him slip through a rear courthouse door. They were indicted on Thursday for obstruction of justice and other federal charges which carry a sentence of up to 20 years in prison.

Newton District Court Judge Shelley Richmond Joseph and former trial court officer Wesley MacGregor are accused of helping the defendant, an undocumented immigrant, escape from the Newton District Court while an ICE agent waited in the lobby to arrest him on a federal detainer in April 2018.

The episode is the latest effort by the Trump administration to punish state and local governments that have refused to cooperate with the White House's war on immigrants. In a 2017 report by ICE, Boston was listed as a jurisdiction that limits its cooperation with the agency.

Joseph and MacGregor now face three obstruction charges including: conspiracy, aiding and abetting, and obstruction of a federal proceeding. MacGregor, a trial court officer from 1993 until his retirement last month, was also charged with lying to the grand jury for saying he was unaware there was an ICE agent in the courthouse that day. The Massachusetts' Supreme Judicial Court ordered Joseph suspended without pay "until further order of this court."

The court wrote, "This Order is based solely on the fact that a sitting judge has been indicted for alleged misconduct in the performance of her judicial duties. It in no way reflects any opinion on the merits of the pending criminal case."

In a statement, US Attorney Andrew Lelling

hypocritically declared, "This case is about the rule of law," adding, "We cannot pick and choose the federal laws we follow or use our personal views to justify violating the law."

He continued, "Everyone in the justice system—not just judges, but law enforcement officers, prosecutors and defense counsel—should be held to a higher standard. The people of Massachusetts expect that, just like they expect judges to be fair, impartial and to follow the law themselves."

In response to questions from reporters about bringing charges against a sitting judge, Lelling said, "We did not bring this case in response to the public debate over immigration enforcement. There are reasonable arguments on both sides of that debate. But this isn't a policy seminar—it's a law enforcement action."

Republican Governor Charlie Baker's office also chimed in with a statement saying he "believes no one should obstruct federal law enforcement officials trying to do their jobs and supports the Supreme Judicial Court's decision to suspend Judge Joseph without pay."

The ACLU of Massachusetts executive director Carol Rose denounced the charges as "preposterous, ironic and deeply damaging to the rule of law," which have "everything to do with enforcing the president's anti-immigrant agenda."

The defendant in the case has been identified as Jose Medina-Perez, 38, from the Dominican Republic, who in April 2018 was facing drug charges and a fugitive warrant from Pennsylvania for drunk driving. He had been deported from the US in 2003 and 2007 was banned from reentry until 2027.

A plainclothes ICE officer was sent to the Newton courthouse to arrest the defendant in April 2018. The officer was instructed by the court clerk to wait in the lobby.

During the case, Judge Joseph, the defendant's attorney and the prosecutor discussed the ICE detainer at sidebar. The conversation was captured by a court audio recording.

The defendant's attorney denied that his client was the same person ICE was looking for in the fugitive warrant. The attorney told Joseph his client would be detained by ICE if he walked out the door, to which Joseph replied, "ICE is going to get him? ... What if we detain him?"

The judge then allegedly turned off the audio recording for 52 seconds according to the indictment. When it was turned on again, Joseph said she would release the defendant. The defense attorney asked to speak with his client but was reminded by the clerk that there was an ICE agent waiting in the courthouse.

Joseph then said, "That's fine. I'm not going to allow them to come in here. But he's been released on this."

According to the indictment, MacGregor then escorted the defendant, his attorney, and an interpreter out of the courtroom and used his security access card to open the rear exit door to release the defendant.

Joseph would later tell a senior district court judge the courtroom recorder was turned off because of her "unfamiliarity with the courtroom recording equipment." For this she was indicted for making "false and misleading statements."

MacGregor allegedly told a federal grand jury in July he did not know there was an ICE agent in the courthouse.

The indictment referenced a guidance issued by the Executive Office of the Massachusetts Trial Court in November 2017, which stated that "DHS (Department of Homeland Security) officials may enter a courthouse to perform their official duties."

The Trump Administration has gone on the offensive against cities and states that have declared themselves to be "sanctuary cities" and do not cooperate fully with federal government's war on immigrants.

Earlier this month, President Trump proposed dumping undocumented migrants stopped at the US-Mexico border on "sanctuary cities" as a means to

punish and overwhelm local governments that refused to fully cooperate with ICE.

The efforts of Judge Joseph and MacGregor to help Medina-Perez evade capture by federal officials recalls the broad opposition to the Fugitive Slave Act of 1850 in the lead-up to the Civil War. Across the US brave abolitionists aided runaway slaves evade capture by federal agents who were seeking to deliver them back to the grips of their slave masters. Countless individuals violated the law by spiriting slaves to freedom in Canada via the network of safe houses and churches which made up the Underground Railroad.



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