



Written by [R. Cort Kirkwood](#) on April 29, 2019

Prosecutors: Judge And Court Office Helped Illegal Alien Escape ICE

A judge and trial court officer in Massachusetts helped an illegal alien escape from Immigration and Customs Enforcement last year, federal prosecutors allege, and they now face multiple charges, including conspiracy and obstruction of justice.

The indictments came down last week. If convicted, the two could face years in prison and heavy fines.

And if what prosecutors describe is true, the pair openly subverted and violated their oaths to uphold the law.



The Alleged Crimes

[Prosecutors say](#) that Judge Shelley M. Richmond Joseph, a 51-year-old district court judge, and Wesley MacGregor, a trial court officer, helped the illegal-alien felon escape on April 2, 2018.

The trouble for the pair began when Newton Police collared and charged a Dominican illegal alien, Oscar Manuel Peguero, with being a fugitive and narcotics possession. But immigration authorities had deported Peguero twice, in 2003 and 2007, and banned him from returning to the United States until 2027.

Thus, ICE issued a detainer and warrant of removal. Cops transferred Peguero to the Newton District Court on April 2, where Joseph and MacGregor served, and sent along the detainer.

At 9:30 that morning, a plainclothes ICE agent went to the court to take Peguero into custody after his release. "The officer announced his presence to courthouse personnel, including Joseph, upon arrival," [prosecutors allege](#), and "prior to the afternoon session, the courtroom clerk — at Joseph's direction — allegedly instructed the ICE officer to leave the courtroom and wait outside in the lobby, stating that in the event that the defendant was released, it would be through the courtroom and into the lobby."

A few minutes before 3 p.m., prosecutors allege, the court's audio recorder "captured Joseph, the defense attorney and the ADA speaking at side bar about the defendant and the ICE detainer. Joseph then allegedly ordered the courtroom clerk to go off the record for a moment."

[The Boston Globe's account](#) of the hearing divulged what Peguero's attorney said in the side bar before the recorder shut off: "ICE will pick him up if he walks out the front door. But I think the best thing for us to do is clear the fugitive issue and release him on a personal, and hope that he can avoid ICE.... That's the best I can do."

Replied the judge: "ICE is going to get him. What if we continue [the case]?"

The prosecutor said that handling detainers really wasn't his job, the [Globe reported](#).

The recorder was off for about a minute, [prosecutors allege](#), a violation of court rules. When the recorder was on again, "Joseph indicated her intent to release the defendant.... [T]he defense attorney



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asked to speak with the defendant downstairs and Joseph responded, 'That's fine. Of course.' When reminded by the clerk that an ICE officer was in the courthouse, Joseph stated, 'That's fine. I'm not gonna allow them to come in here. But he's been released on this.'"

After the hearing, MacGregor, prosecutors allege, "escorted the defendant, his attorney and an interpreter downstairs to the lockup and used his security access card to open the rear sally-port exit and release the defendant at 3:01 p.m."

ICE caught up with Peguero on April 19, 2018, and amazingly, an immigration judge released him on bond that May and ordered him to show up for court in July 2019.

The Charges

Why the judge would do such a thing for a two-time deportee is anyone's guess, but at any rate Joseph and MacGregor are charged with conspiracy to obstruct justice and obstruction of a federal proceeding — aiding and abetting. The penalties include prison sentences of up to 20 years and a fine of \$250,000.

[MacGregor also faces](#) a perjury charge. Prosecutors allege that he lied to a grand jury on July 12 last year when he said he didn't know ICE was at the courthouse and that the agency had placed a detainer on Peguero. A conviction on that charge could end in a five-year prison sentence and \$250,000 fine.

The pair pleaded not guilty.

[Said federal prosecutor Andrew Lelling](#), "This case is about the rule of law. The allegations ... involve obstruction by a sitting judge, that is intentional interference with the enforcement of federal law, and that is a crime. We cannot pick and choose the federal laws we follow, or use our personal views to justify violating the law."

[According to](#) the *Globe*, Joseph has a record of helping illegals run from ICE. Last year, the newspaper reported, she released an illegal-alien accused of rape and also facing deportation on \$2,500 bond.

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