



Written by [R. Cort Kirkwood](#) on January 31, 2025

## **NY Sheriff Released Illegal-alien Criminal Despite Federal Warrant; US Deputy AG Warns of Possible Prosecution**

Elected officials in sanctuary cities and states aren't the only far-left subversives who might find themselves prosecuted for breaking federal immigration and other laws by refusing to cooperate with Immigration and Customs Enforcement.

So also, warns U.S. Acting Deputy Attorney General Emil Bove, might sheriffs and police.

Bove threatened a prosecution after the sheriff's department in Tompkins County, New York, released an illegal-alien thug despite a federal warrant for his arrest.



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The threat is Bove's second. On January 21, he warned state and local officials that the Supremacy Clause of the federal Constitution binds them to obey immigration laws and cooperate with the federal government in enforcing them.

### **Mexican Thug**

The illegal alien the sheriff's department released is Jesus Romero-Hernandez, a Mexican. On January 8, 2024, he was charged with entering the country illegally after being deported.

On Tuesday, Romero-Hernandez pleaded guilty to assault and was sentenced to time served. Despite a federal arrest warrant signed by a U.S. magistrate judge, the sheriff's department freed him before Immigration and Customs Enforcement (ICE) arrived "to pick him up and bring him to federal court in Syracuse to be arraigned on the pending federal criminal complaint," [the Justice Department \(DOJ\) reported](#).

That required officers from ICE's Enforcement and Removal Operations bureau, Homeland Security Investigations, and the U.S. Marshals Service to track down and arrest him. They captured him yesterday, but the sheriff's department endangered officers and area residents, Bove said:

Despite the warrant, a defendant with no legal status and a history of violence was released into the community....

The Justice Department will not tolerate actions that endanger law enforcement and make their jobs harder than they already are, as they work to protect us all.

He continued:

We will use every tool at our disposal to prevent sanctuary city policies from impeding and obstructing lawful federal operations designed to make America safe again and end the



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national crisis arising from four years of failed immigration policy.

The U.S. attorney for the Northern District of New York is investigating the sheriff's department for "possible prosecution," [Bove said](#).

The [Times Union of Albany elaborated on](#) the Mexican miscreant's long record of immigration violations:

Romero-Hernandez had been physically removed from the United States at least eight times in 2016 at a border crossing in Hidalgo, Texas. ICE officials received a notification when he was arrested 14 months ago in Ithaca, and subsequently issued the warrant for his arrest on the federal charges that were filed two months later.

## Other NY Officials Guilty, Too

The newspaper also explained that the sheriff, Democrat Derek R. Osborne, "is on vacation and was not available for comment." As well, the paper reported, Osborne's undersheriff was mum:

It was not clear whether Osborne was directly involved in the department's decision to release the man from custody this week rather than holding him for U.S. immigration agents.

Though far-left Empire State Governor Kathy Hochul said she wants criminal aliens deported, hate-Trump Attorney General Letitia James said local authorities can ignore ICE detainers.

She informed them that "there is no legal obligation for a local law enforcement agency to detain an individual on such a detainer."

Then again, even James admitted that local cops must honor judicial warrants signed by a judge, the [Times Union reported](#):

"A judicial warrant refers to a warrant based on probable cause and issued by an Article III federal judge or a federal magistrate judge that authorizes federal immigration authorities to take into custody the person who is the subject of the warrant," the attorney general's guidance stated. "A judicial warrant, signed by an Article III or federal magistrate judge, would demonstrate the necessary probable cause, and justify the arrest and detention."

(That certainly doesn't help the Tompkins County Sheriff's Department.)

On January 23, [James joined](#) other attorneys general to claim that the federal government cannot commandeer state and local police to help enforce immigration laws.

## Bove's January 21 Warning

Within 24 hours of [President Donald Trump's signing](#) multiple executive orders on immigration, Bove delivered a memorandum to DOJ employees, most notably to U.S. attorneys nationwide.

The Trump administration will not tolerate state and local officials who ignore or refuse to cooperate



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with federal immigration authorities, he warned.

Because of the [Supremacy Clause](#) of the federal Constitution, Bove wrote, state and local officials *must* “comply with the Executive Branch’s [constitutional] immigration enforcement initiatives”:

Federal law prohibits state and local actors from resisting, obstructing, and otherwise failing to comply with lawful immigration-related commands and requests pursuant to, for example, the President’s extensive Article II authority with respect to foreign affairs and national security, the Immigration and Nationality Act, and the Alien Enemies Act.

As well, Bove wrote, stubborn officials who refuse to cooperate with or otherwise hamper ICE from deporting illegals will face “potential prosecution.”

That will include harboring illegals, a [violation of 8 US Code 1324](#); conspiracy against the United States, [18 US Code 371](#); and violating the Immigration and Nationality Act, [8 US Code 1373](#).

Bove also warned that DOJ’s Civil Division and the Sanctuary Cities Enforcement Working Group will “identify state and local laws, policies, and activities” that block or frustrate immigration enforcement, and “take legal action to challenge such laws.”



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