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Department of Justice

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District of Massachusetts

FOR IMMEDIATE RELEASE

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Massachusetts District Court Judge and Court Officer Indicted for Obstruction of Justice

BOSTON – A Massachusetts District Court Judge and Trial Court Officer were indicted today in federal court in Boston on obstruction of justice charges for preventing an ICE Officer from taking custody of an alien defendant.

Shelley M. Richmond Joseph, 51, of Natick, who was appointed as a Massachusetts District Court Judge in November 2017, and Wesley MacGregor, 56, of Watertown, a former Trial Court Officer since 1993, were indicted on one count of conspiracy to obstruct justice and two counts of obstruction of justice – aiding and abetting. MacGregor was also charged with one count of perjury.

“This case is about the rule of law,” said United States Attorney Andrew E. Lelling. “The allegations in today’s indictment 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. 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.”

“When we as officers of the law are confronted with an abuse within our system, we take those allegations seriously. Any conduct which severs the underlying trust that the citizens of this Commonwealth place in those who hold positions of power and authority is a stain on all who swear an oath to protect and serve, with honor and integrity,” said Peter C. Fitzhugh, Special Agent in Charge, U.S. Immigration and Customs Enforcement Homeland Security Investigations (HSI) Boston. “The people of this country deserve nothing less than to know that their appointed and elected representatives are working on their behalf, while adhering to and enforcing the rule of law, not a personal agenda. The special agents of Homeland Security Investigations remain committed to upholding our promise to the public, without compromise.”

“The actions of the judge in this incident are a detriment to the rule of law and highly offensive to the law enforcement officers of ICE who swear an oath to uphold our nation’s immigration laws,” said Todd M. Lyons, Acting Field Office Director, U.S. Immigration and Customs Enforcement (ICE)’s Enforcement and Removal Operations, Boston. “In order for our criminal justice system to work fairly for all people, it must be protected against judicial officials who would seek to replace the implementation of our laws with their

own ideological views or politically-driven agenda. I would also like to thank U.S. Attorney Lelling for his local leadership and his continuous and faithful support of the ERO law enforcement mission.”

According to court documents, on March 30, 2018, Newton Police arrested and charged an alien defendant under Massachusetts General Law with being a fugitive from justice and narcotics possession. Further investigation revealed that the defendant had twice been deported from the United States - in 2003 and 2007, and that a federal order had been issued prohibiting the defendant from entering the U.S. until 2027. After learning of the defendant’s arrest, ICE issued a Federal Immigration Detainer and Warrant of Removal, which stated that the defendant was subject to removal from the United States. On April 2, 2018, Newton Police transferred custody of the defendant to Newton District Court (NDC), where Joseph was assigned as the District Court Judge and MacGregor as a Trial Court Officer, and forwarded the Detainer and Warrant.

At 9:30 a.m. on April 2, 2018, a plainclothes ICE officer was dispatched to NDC to execute the Warrant and take custody of the defendant following his release from NDC. The Officer announced his presence to Courthouse personnel, including Joseph, upon arrival. 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.

At 2:48 p.m. the case was called and the proceedings were captured on the courtroom’s audio recorder, as prescribed under the rules for all State District Courts. The audio recording 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.” For the next 52 seconds, the courtroom audio recorder was turned off, in violation of the District Court rules. At 2:51 p.m., the recorder was turned back on, and Joseph indicated her intent to release the defendant. According to the charging documents, the defense attorney 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.” Immediately following the proceeding, MacGregor allegedly 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.

MacGregor was also charged with perjury for falsely testifying before a federal grand jury on July 12, 2018, that, prior to releasing the defendant from the sally-port exit, he was unaware that ICE agents were in the Courthouse and that there was a detainer for the defendant.

The charges of conspiracy to obstruct justice and obstruction of a federal proceeding – aiding and abetting provide for sentences of no greater than 20 and five years in prison, respectively; five and three years of supervised release, respectively; and a fine of \$250,000. The charge of perjury provides for a sentence of no greater than five years in prison, three years of supervised release, and a fine of \$250,000. Sentences are imposed by a federal district court judge based upon the U.S. Sentencing Guidelines and other statutory factors.

U.S. Attorney Lelling, HSI SAC Fitzhugh and ERO Acting FOD Lyons made the announcement today. Assistant U.S. Attorneys Dustin Chao and Christine Wichers of Lelling’s Criminal Division are prosecuting the case.

The details contained in the indictment are allegations. The defendants are presumed innocent unless and until proven guilty beyond a reasonable doubt in a court of law.

Attachment(s):

[Download Joseph and MacGregor Indictment.pdf](#)

Topic(s):

Public Corruption

Component(s):

USAO - Massachusetts

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