



Written by [R. Cort Kirkwood](#) on April 4, 2025

U.S. Atty Warned Boston DA Not to Charge ICE Agent for Arresting Illegal Alien

Like the misinformed mayor of Boston, Michelle Wu, a Beantown judge and district attorney apparently thinks federal immigration laws don't apply to the Bay State, its municipalities, or its law-enforcement officials.

A local court judge held an Immigration and Customs Enforcement (ICE) agent in contempt of court for arresting an illegal alien in the middle of his criminal trial.

The local DA has threatened the agent with prosecution.

Response of the local U.S. attorney: Try it. Just try it.



DenisTangneyJr/iStock/Getty Images Plus
Boston

NEW: The illegal alien ICE Boston arrested during his criminal trial had prior arrests for serious drug trafficking charges & was arrested on a valid federal warrant, according to the US Attorney in Massachusetts. She is now threatening felony charges against the Boston DA, who...

— Bill Melugin (@BillMelugin_) [April 3, 2025](#)

The Arrest

The trouble for ICE gumshoe Brian Sullivan began when he did his job.

He bagged illegal alien Juan Carlos Baez — also known as Wilson Martell-Lebron — in the middle of his trial for presenting forged documents to the state Registry of Motor Vehicles (RMV), the [Boston Herald reported](#) on April 1:

In the wake of that shocking mid-trial detainment, the [Boston Municipal Court] judge on Monday found an ICE agent in contempt after not showing up to court, and Martell-Lebron's case was dismissed with prejudice "due to egregious and intentional prosecutorial misconduct" following ICE's arrest.

Martell-Lebron years ago faced drug charges in both Middlesex and Essex counties, according to reports.

He was found guilty in Middlesex Superior Court on two counts of cocaine trafficking and one count of heroin trafficking in 2009, and he was sentenced to up to 15 years in prison.

The trial during which he was arrested after court recessed for the day involved his using the alias in RMV documents.



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The judge who held Sullivan in contempt in one Mark H. Summerville.

The district attorney, Kevin Hayden, threatened to charge Sullivan with criminal contempt.

“This action by ICE was troubling and extraordinarily reckless,” [Hayden told](#) reporters, WGBH reported:

The district attorney’s office was pursuing a case against Wilson Martell-Lebron last week when ICE agents detained him.

“As the judge noted, ICE’s actions deprived Mr. Martell-Lebron of his right to a fair trial. It also deprived our office of our intent to hold the defendant accountable for his alleged crime,” Hayden said, adding that the abrupt seizure sent ripples of fear through local communities and is now hampering the DA’s office from bringing criminals to justice....

The DA said his office is now weighing criminal charges against ICE Agent Brian Sullivan who a judge found in contempt “as a consequence of his intentional and egregious violation,” of Martell-Lebron’s rights to due process of law and a fair trial, according to an order issued earlier this week.

“We have a lot to go over in this case before we can determine exactly how it is that we’re going to proceed,” Hayden told reporters.

ICE argues that local officials knew agents would collar him.

U.S. Attorney Replies

Reprising a filing with the U.S. District Court, U.S. Attorney [Leah Foley told](#) the judge in a letter that the [Supremacy Clause](#) of the U.S. Constitution “immunizes federal officers from state prosecution, including contempt proceedings, for actions taken in the course of their official duties”:

While you might disagree with the enforcement of our federal immigration laws, there is simply no legal basis for you to hold federal officers in criminal contempt for carrying out their sworn duties. Any attempt or threat to interfere with the lawful functions of federal government agents will not be tolerated. ...

[T]his court lacks any authority whatsoever to proceed in this matter with respect to United States Immigration and Customs Enforcement Officer Brian Sullivan or any other federal official relating to the lawful federal arrest of an illegal alien.

“A federal official may not be held in contempt by a state court ‘for an act which he was authorized to do by the law of the United States, which it was his duty to do as [an official] of the United States, and if, in doing that act, he did no more than what was necessary and proper for him to do,’” the [motion says](#).

A “‘state has no jurisdiction’ to issue a contempt ‘if (1) the federal agent was performing an act which he was authorized to do by the law of the United States and (2) in performing that authorized act, the federal agent did no more than what was necessary and proper for him to do,’” the motion argues:

Officer Sullivan’s arrest of Defendant was plainly authorized — indeed, compelled — by federal law, namely, the INA. ... Officer Sullivan’s actions were expressly authorized by a



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federal statute.

In a letter to Hayden Foley warned the district attorney to back off or he might face prosecution if he charges Sullivan with criminal contempt.

“[T]here is no legal basis for such charges,” the federal attorney wrote:

You may very well disagree with the enforcement of our federal immigration laws, but it is inappropriate to suggest to the public that federal officers can be criminally prosecuted by your office or any other state or local prosecutor’s office for performing their official duties. Any attempt or threat to interfere with the lawful actions of federal government agents will not be tolerated. Indeed, under [Title 18, United States Code, Section 111](#) (a), it is a felony offense to assault, resist, oppose, impede, intimidate, or interfere with an immigration officer’s efforts to duly execute the immigration laws of the United States.

Mayor Wu

The DA and the judge aren’t the only obstreperous local officials who believe federal immigration law doesn’t apply to the Bay State.

Boston Mayor Wu [has repeatedly](#) promised [to protect illegals](#) from deportation. Responding to those threats, Border Czar Tom Homan and Deputy Attorney General Emil Bove have warned Wu and other sanctuary officials that [they face](#) arrest and prosecution under the federal statute that forbids [harboring illegals](#).

“So either she helps us or she gets the hell out of the way, because we’re going to do it,” Homan said in November:

There’s a clear line here, and they can’t cross that clear line. I will suggest she read Title 8, United States Code 1324 III, that says you can’t harbor or conceal an illegal alien from federal law enforcement officers....

They can not cooperate, but there are certain laws in place that they can’t cross, and I hope she doesn’t cross it.

Homan responds to Boston’s Mayor: I suggests she read title eight, United States Code 1324 III that says, you can't harbor or conceal an illegal alien from federal law enforcement. So I hope she don't cross that line. pic.twitter.com/HUhIF3Y4r5

— Acyn (@Acyn) [November 19, 2024](#)



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