

REPORT AND RECOMMENDATION OF THE
COMMISSION ON JUDICIAL CONDUCT

APPENDIX S

**COMMONWEALTH OF MASSACHUSETTS
COMMISSION ON JUDICIAL CONDUCT**

**IN THE MATTER OF JUDGE SHELLEY M. RICHMOND JOSEPH
COMMISSION COMPLAINT NUMBER 2019-22**

**STATEMENT REGARDING HEARING OFFICER’S REPORT
AND REQUEST FOR MODIFICATION OF RECOMMENDATION
SUBMITTED ON BEHALF OF JUDGE SHELLEY M. RICHMOND JOSEPH**

INTRODUCTION AND REQUEST FOR MODIFICATION

This complaint against District Court Judge Shelley M. Richmond Joseph arises from an extraordinary and unprecedented situation in which a sitting judge faced first a federal criminal indictment and later a charge of willful misconduct by the Commission on Judicial Conduct (“CJC”), all based on the uncorroborated testimony of the admitted mastermind of an illegal scheme who received complete immunity for his conduct. In June 2025, after more than seven years of unrelenting, brutal, and unfounded public criticism, Judge Joseph finally had the opportunity to present the facts in a public hearing. As a result of the evidence presented, the Hearing Officer, Denis J. McNerney, Esq., found:

- That Judge Joseph “did not know about—much less authorize—the escape plan” engineered by Attorney David Jellinek (Hearing Officer Report (“H.O.”) at 1); and
- That Judge Joseph was “fully candid in her discussions with the supervisory judges” (H.O. at 109).

The only violation founded by the Hearing Officer was that Judge Joseph “inadvertently expressed herself in ways that created the appearance of bias against ICE,” (H.O. at 102), while specifically finding that she harbored no actual bias (H.O. at 99). Central to the Hearing Officer’s findings was Judge Joseph’s “tone and substance, “including her use of the word “we”

while speaking to the attorneys at sidebar (H.O. at 101-102). While Judge Joseph is grateful for the Hearing Officer’s attention to detail and nuance in the testimony, the “inadvertent” conduct that forms the basis for his recommendation of a public reprimand is far less serious than anything for which a Massachusetts judge has ever been disciplined.¹ In making this statement, Judge Joseph places great emphasis on the finding that her conduct was “inadvertent” and occurred in the course of a complicated and fast-paced proceeding in which she was trying to listen to and accommodate the interests of all parties, including ICE (H.O. at 100).

Further, the sidebar occurred in a state district court, where the hearings are often less formal and more personalized (and fast-paced) than comparable proceedings in the superior or federal district courts. Justice in the district courts often means understanding human situations and showing compassion or empathy for the people who find themselves in bad situations. A public reprimand for Judge Joseph’s inadvertent language under these circumstances would establish a dangerous precedent that would have a chilling effect on the daily conduct of district court proceedings. A district court judge reading the recitation of Judge Joseph’s conduct would naturally worry that countless statements, past and future, might one day in hindsight be viewed as violations of the Code of Judicial Conduct.² A public reprimand under these unique circumstances would provide no guidance to other judges on when humanity becomes

¹ Indeed, the Hearing Officer acknowledged that previous public reprimands have sanctioned conduct far more serious, either in intent, duration, or both, than that of Judge Joseph (H.O. at 113, footnote 673). Nevertheless, he found that because of the publicity surrounding this case, it was in Judge Joseph’s interest for the public to understand what she did and did not do—specifically, that she had no awareness or complicity in David Jellinek’s scheme. Judge Joseph suggests that the same result could be accomplished with either a private reprimand or a statement of concern, expressed publicly for the reasons stated by the Hearing Officer.

² It is of no assistance to suggest that avoiding off the record discussion would avoid any appearance of impropriety. The Hearing Officer’s finding was largely based on Judge Joseph’s tone and choice of language *on* the record, as well as the general perception of the assistant district attorney. It is a dangerous precedent to discipline a judge for speech that made a single attorney “uncomfortable”—a subjective and potentially limitless “standard.”

impropriety. Judge Joseph requests that this matter be resolved with a public statement in the following form:

After a full hearing before an independent and impartial Hearing Officer appointed by the Supreme Judicial Court, the facts show that Judge Shelley Richmond Joseph “did not know about—much less authorize—the escape plan” engineered by Attorney David Jellinek and that Judge Joseph was “fully candid in her discussions with the supervisory judges.” The Hearing Officer found that, although not harboring actual bias, and with the intention of respecting the rights of all parties, Judge Joseph inadvertently created a potential appearance of bias during the discussion on and off the record. While those inadvertent actions do not rise to the level of a violation of the Code of Judicial Conduct, judges are cautioned that their words, even if uttered with the best of intentions, may be subject to misinterpretation, and for that reason, should be chosen with care. Interested persons are encouraged to read the Hearing Officer’s detailed report, which explains the complicated situation presented by the confluence of circumstances in this case.

ADDITIONAL OBSERVATIONS

1. Notoriety. The publicity in this matter was not the result of the rather ordinary action of a judge speaking to counsel at sidebar, even off the record. Rather, it was precipitated by the extraordinary actions of a lawyer, David Jellinek, who, after receiving complete immunity, deliberately implicated Judge Joseph with his false testimony to the federal government and to the hearing officer in an attempt to save himself from the consequences of his ill-advised scheme. Jellinek’s duplicity is discussed at length in the Hearing Officer’s report (H.O. at 55-59). It is Jellinek’s illegal scheme, coupled with his ongoing false statements, that wrongly placed Judge Joseph, and by extension, the Massachusetts judiciary, at the center of a seven-year maelstrom.

No judge in Judge Joseph’s position could ever have anticipated that Jellinek would concoct the plan that he did, much less that he would have the temerity to blame it on the judge.

Yet Jellinek's conduct and his wrongful accusation of Judge Joseph, particularly in the politically charged climate surrounding immigration, transformed what should have been a one-day story about an errant lawyer into a years-long saga that many seized upon for political purposes. Overlooked in the rush to judgment were the completely uncorroborated nature of Jellinek's claims, and the unimpeachable contrary testimony from the assistant district attorney who was present at sidebar.

While the unrelenting publicity that has resulted from Jellinek's actions certainly justifies a public statement about the final outcome of this matter, that unrelenting publicity is not a ground to punish Judge Joseph. Had Jellinek conformed his representation of his client to accepted legal and ethical norms, the brief unrecorded sidebar would have been lost in the annals of history—among many similar encounters that occur throughout the Commonwealth. It is far better for the judicial system if the public understands that the judiciary, as well as Judge Joseph, have been unfairly castigated on account of the actions of a rogue lawyer. Discipline of Judge Joseph under these circumstances will simply perpetuate the prevailing narrative that the Massachusetts judiciary was complicit in the escape of an illegal immigrant.

2. Special Counsel's Request for Additional Violations. Far from ameliorating the harm to the Massachusetts judiciary arising from this unprecedented sequence of events, creating additional violations of the Code of Judicial Conduct as requested by Special Counsel would serve only to exacerbate the negative publicity that this matter has received. Without asking to alter a sanction that is already harsh due to publicity, Special Counsel seeks to heap additional condemnation upon Judge Joseph. Special Counsel notably failed to prove the most serious charges against Judge Joseph—with the Hearing Officer finding affirmatively that she did not

engage in the charged conduct. In fact, the Hearing Officer specifically wanted the public to understand that the serious charges that have been widely publicized were not proven. The Hearing Officer noted that:

Judge Joseph has repeatedly demonstrated through her conduct, including her candor during the investigation and hearing in this matter and her engagement in public service while suspended from her judicial duties, that she is a thoughtful, diligent and conscientious judge undeserving of the harsh public criticism she has received in connection with this matter, and entirely worthy of the opportunity to finally move on from it.

(H.O. at 114).

As demonstrated by the continuing public attention, see examples attached,³ the Hearing Officer's efforts have thus far not succeeded. Any additional language such as that proposed by Special Counsel would only subject Judge Joseph and the judiciary to additional criticism, and would defeat the Hearing Officer's attempt to set the record straight and permit Judge Joseph and the entire system to move forward.

CONCLUSION

As clearly stated by the Hearing Officer, Judge Joseph—and the entire Massachusetts court system—have been subjected to many years of public criticism because of the actions of a lawyer who continues to practice without consequence and whose uncorroborated word was taken as Gospel by the public and the prosecuting authority. Since this incident, Judge Joseph has conducted herself with dignity both on and off the bench.⁴ She has clearly taken to heart

³ The attached articles can be found at <https://www.bostonherald.com/2025/11/08/howie-carr-if-i-get-jammed-up-treat-me-like-a-democrat-state-committee-member/> and <https://www.bostonherald.com/2025/11/15/lucas-a-tale-of-two-ice-avoiding-judges/> (last accessed 11/15//2025).

⁴ The Hearing Officer opined that a period of monitoring was unnecessary. Special Counsel takes no official stance on this recommendation, while seemingly suggesting that monitoring would be appropriate. In light of Judge Joseph's record of service on the District Court bench during the time between the dismissal of the indictment and the commencement of this proceeding, Judge Joseph agrees with the Hearing Officer. Indeed, her actions on April

former District Court Chief Paul Dawley’s teaching that “the record is your friend.” Judge Joseph and the Massachusetts judiciary deserve, as the Hearing Officer suggested, finally to put this long journey behind them.

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2, 2018, spending more than an hour researching a policy that was unknown to anyone else in the courthouse, demonstrates her willingness to seek answers where necessary.

OPINION > OPINION COLUMNISTS

Howie Carr: If I get jammed up, treat me like a Democrat State Committee member



Pat Greenhouse/POOL

Judge Shelley Joseph testifies during her civil disciplinary hearing in Suffolk Superior Court, in June. (Pat Greenhouse/POOL)



By **HOWIE CARR** | howard.carr@medianewsgroup.com

| Boston Herald

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If there were any justice in Massachusetts, [Judge Shelley Joseph](#) would be in prison this morning, in the middle of a 20-year stretch for various atrocious federal crimes.

But as a left-wing Democrat from Brookline and former member of the Democrat State Committee, all her crimes get swept and she continues to reside in her multi-million-dollar mansion in posh, lily-white South Natick.

In other words, Do you know who she is!?!?

As a member of multiple protected classes, instead of working in the prison laundry, Judge Joseph is laughing all the way to the bank with her \$207,855-a-year salary for a part time hack job of no more than 35 weeks a year.

And she recently enjoyed a three-year vacation — with pay!

Riddle me this: If you were indicted by a federal grand jury and charged with obstruction of justice and aiding and abetting obstruction of both justice and a federal proceeding, would your employer continue to pay you no questions asked?

Would your boss also pick up your legal expenses of (at least) \$127,000?

It's great to be a Democrat from Brookline on the Democrat State Committee, isn't it?

While sitting on the bench in Newton in 2018, Judge Joseph allowed a cholo named Jose Medina-Perez to escape from an ICE agent. The ICE agent was waiting in the lobby to lug the foreign fiend so he could be deported back to the Dominican Republic.

This freeloading cholo, whom Joseph instantly swooned over, had already been deported twice. He didn't speak a word of English, had two outstanding drug charges pending against him in Massachusetts, and had earlier fled from a DUI arrest in Pennsylvania.

In short, he was a good Democrat.

And Shelley Joseph let the bandito vamoose, out the back door, to continue his life of crime.

Which makes Shelley Joseph today's poster gal for the corrupt double standards in the Massachusetts legal system. They frame us, even if we didn't do anything, and they get away with everything, up to and including murder. Does [the name Farwell](#) ring a bell?

In the halls of the justice, the only justice is in the halls.

If you look up the word "broom" in the dictionary, you'll see a mug shot of Shelley Joseph. By now her sordid life of crime is somewhat familiar, or should be.

She was indicted in 2019, when Americans controlled the federal government. But as soon as Dementia Joe was installed, the federal charges against her vanished, thanks to the very ethical new US Attorney Rachael Rollins — professional courtesy and all that.

As part of her sweetheart deal, Joseph had to agree to a state investigation — wink wink nudge nudge. And now we have the results of 117-page probe by a hack blow-in from New York by the name of Denis McInerney.

His investigation was so lackluster he couldn't even spell the name of one of her old hack bosses right. (It's Sen. Pacheco, not "Pancheco.")

If Trump wasn't elected in 2024, there wouldn't have been even this pathetic "investigation."

As long as the Democrats were running the DOJ, they were never going after one of their own like Shelley Joseph. But once Trump was back in charge, suddenly the state decided it had to... do something.

No surprise that after a very on-the-level investigation, McInerney found his card-carrying, fellow-traveling comrade to be the most beautiful girl in the world.

"She is a thoughtful, diligent and conscientious judge undeserving of the harsh public criticism she has received... (she) inadvertently created the appearance of impropriety and bias..."

Her crime, and that's what it was, was improperly, in violation of every rule in the book, turning off the tape recorder in her courtroom. Then she and the cholo's crooked mouthpiece, another hack named Jellinek, schemed how to allow the gang-banger to escape from the gringos.

The assistant district attorney described their whispered plotting, which she listened to, as "weird or sketchy." She said their criminal conspiracy to cut the gang-banger loose made her "uncomfortable."

Joseph asked Jellinek “what could we do” to help this nice young Dominican gangbanger with the ICE detainer.

Once the escape plan was hatched, they turned the tape recorder back on, after 52 seconds of silence. Soon thereafter, the cholo fled out the back door of the courthouse.

Here’s a selection of McInerney’s alibis for Judge Joseph’s obstruction of justice:

“She was being a conscientious judge who was trying to get things right ... Could have created the impression... the timing and manner in which she made this observation could be misunderstood to suggest that she was overly concerned about the ICE officer’s presence... could have been interpreted as a greater-than-appropriate concern about ICE potentially taking custody (of the illegal alien career criminal)”

On and on go the excuses:

“Judge Joseph was a new, inexperienced judge... Judge Joseph was a relatively new, inexperienced judge, making it likely that she was less sensitive to appearance issues than more tenured judges.”

You mean, like, she didn’t know that she wasn’t supposed to obstruct justice?

“Second, she has learned from her mistake of going off the record, and has not done so since...

“She has expressed remorse... and following her indictment in April 2019, Judge Joseph was suspended from judicial duties and unable to work for over three years.”

With pay. He forgot to mention that. It was a vacation for a slobberingly loyal apparatchik of the Democrat party.

Among Massachusetts Democrats, enabling illegal-alien crime, even drug trafficking, is a resume enhancer.

Not that the judge didn't already have all her corrupt hack credentials in order. She'd given cash to Martha Coakley, who she figured might someday appoint her to the bench, and to Deval Patrick, which, ditto. She also took care of Middlesex DA Gerry Leone, another dim-bulb Democrat hack now pocketing a state pension of \$200,202 a year.

In the end, it was RINO disgrace Charlie Baker who handed Shelley the hack sinecure she'd been scheming to get for so long. Yet another black mark on his dismal record.

Now I think she's in West Roxbury. That's where they sometimes send judges who have, shall we say, a checkered past. I'll leave it at that. But hey, exile to West Roxbury beats doing a long stretch in prison, which is what she should be doing, for the next 5-10 years.

Compare Shelley Joseph's kid-gloves treatment with how her fellow corrupt cops have railroaded any number of other defendants or victims, starting with [Karen Read](#), [Sandra Birchmore](#), [Fred Weichel](#), [Willie Bennett](#), [Frances Choy](#), [Juston Root](#), Leonardo Johnson, [Kyle Culotta](#) et al.

If only any of these victims of Massachusetts "justice" had been members of the Democrat State Committee from Brookline...

Bottom line: If I ever get jammed up, I ask for no special treatment.

Just treat me like Judge Shelley Joseph.

Order Howie's new book on all these matters, "Mass Corruption: Vol. 1, The Cops" at howiecarrshow.com/store.

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settings

Around the Web

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CJCAPP4493

OPINION > OPINION COLUMNISTS

Lucas: A tale of two ICE-avoiding judges



Milwaukee County Circuit Judge Hannah Dugan is going on trail.
(AP Photo/Andy Manis, File)



By **PETER LUCAS**

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CJCAPP4494

It is good that the judge who let a wanted illegal immigrant out the back door of the courthouse to avoid waiting ICE agents will stand trial.

No one is above the law, including judges.

So, the judge will face federal obstruction of justice charges when her trial begins next month and, if found guilty, could face six years in prison.

That is the way politicians say the system works or is supposed to work.

Only in this case the judge is not Boston Municipal Court Judge Shelley Joseph who was once charged with the same thing, but Milwaukee County Judge Hannah Dugan.

While Dugan may go to prison, Joseph walks.

Like Joseph before her, Dugan is charged with federal obstruction of justice for letting wanted illegal immigrant Eduardo Flores-Ruiz, 31, sneak through a side door of her courthouse to avoid waiting ICE agents.

Flores-Ruiz was arrested after a foot chase and has since been deported to Mexico.

After seven months in detention, Flores-Ruiz promised never to come back. Before shipping out, he said, "I am grateful and happy I was able to work here," which is something you do not ordinarily hear from illegal immigrants.

Joseph, a Democrat, was appointed to the bench by Republican Charlie Baker, who later found her actions “extremely troubling.” He said, “Judges are not supposed to be in the business of obstructing justice.”

Joseph was sitting in the Newton District Court when she was indicted on obstruction of justice charges in 2019 for allowing twice-deported illegal immigrant Jose Medina Perez, 38, to exit the back door of the Newton courthouse to also avoid ICE agents waiting out front to scoop him up.

Medina Perez’s escape came after Joseph participated in a 52-second unrecorded conversation with Medina Perez’s defense counsel and an assistant district attorney.

The charges were brought by then U.S. Attorney Andrew Lelling, who was appointed by Republican President Donald Trump. Joseph was suspended with pay pending the outcome of her trial.

Only there was no trial.

No sooner was Democrat Joe Biden elected over Trump in 2020 than Biden’s U.S. Justice Department dropped the charges.

This came about after the case was referred for “review” to Democrat U.S. Attorney Zachary Chuna of Rhode Island, a Biden appointee. Lelling by then, of course, was gone.

Chuna, as if on schedule, in September 2022 recommended that the Justice Department drop the charges against fellow Democrat Joseph, which it did.

Cunha said that “the interests of justice are best served” by sending the matter to the Massachusetts Commission on Judicial Conduct, which investigates judicial misconduct.

The commission appointed Attorney Denis J. McInerney to conduct a hearing on the matter.

McInerney, in his report last week, which reads like fan mail, said that Joseph was innocent of any wrongdoing because she had no idea what was going on in front of her nose in her own courtroom.

So, she should be reprimanded but not thrown off the bench.

“I find that Judge Joseph did not know about — much less authorize — the escape plan and did not mislead court authorities following the incident, McNerney said. Besides, Joseph, he said was a “new and inexperienced” judge.

And since the “incident,” Joseph, according to McNerney, has “repeatedly demonstrated” that “she is a thoughtful, diligent and conscientious judge underserving of the harsh public criticism she has received in connection with this matter, and entirely worthy of the opportunity to finally move on from it.”

Forget the dropped charges and the reprimand. Judge Joseph is so good that Gov. Maura Healey ought to appoint her to the Supreme Judicial Court.

Veteran political reporter Peter Lucas can be reached at: peter.lucas@bostonherald.com



Judge Shelley Joseph is not facing any trial. (Herald pool file)

Around the Web

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CJCAPP4497