

SJC-13920

Commonwealth v. Wilson Martell-LeBron

Whether the trial judge erred in allowing the defendant's motion to dismiss with prejudice after the defendant was detained outside of the courthouse by Immigrations and Customs Enforcement (ICE) agents during the pendency of his trial, including: (a) whether the judge's finding that ICE would not return the defendant for trial was clearly erroneous; (b) whether the judge erred in ordering dismissal with prejudice, rather than declaring a mistrial; (c) whether the trial judge abused his discretion in denying the Commonwealth's motion to continue the evidentiary hearing on the motion to dismiss; (d) whether the judge erred in ruling on the motion to dismiss without permitting the Commonwealth to cross-examine the final witness or to call additional witnesses at the evidentiary hearing; (e) whether the prosecution team has an ethical obligation to inform the court of an impending ICE action to detain a defendant; and (f) whether the judge erred in considering two State troopers and an ICE agent, who were summonsed by the Commonwealth to testify at trial, to be part of the prosecution team for purposes of assessing whether the prosecution engaged in misconduct unrelated to pretrial discovery.