

AMERICAN (IN) JUSTICE

The sad case of
Maria Jose Carrascosa



Overview

□ The purpose of this presentation is to bring attention to the case of Maria Jose Carrascosa, a Spanish citizen presently jailed “indefinitely” in Bergen County, New Jersey and facing a possible prison sentence of up to 40 years for failing to turn her 7 year old daughter over to the court in a custody battle.

□ Despite having been awarded **full custody** by the European court system after a fair and legal court process in which both she and her American ex Husband participated and were represented by counsel, the NJ judge took it upon himself to rule that this judgement was invalid, and threw Maria

Jose Carrascosa into jail, where she has been imprisoned, without a trial, since November of 2006.

□ This case has caused international outrage but received next to no attention in the US media.

□ **A tremendous miscarriage of justice is being committed. This presentation will attempt to—in a “fact only” and with an objective view—illuminate this process and suggest how you can help(not monetarily).**

Main Facts

□ Carrascosa and Innes married in 1999 in Spain, and resided in New Jersey. They had one child, a daughter named Victoria. The marriage broke in 2004 after several years of domestic abuse, and Innes abandoned the family home. Thereafter, Maria Jose filed a petition to annul the marriage and was granted full custody of her daughter in Spain, to where she moved back, with her child, in January of 2005. At that point Innes filed for divorce in New Jersey, and accused Maria Jose of illegally taking their daughter abroad, even though there was **NO SUCH REQUIREMENT** or court order that she remain in the USA.

□ Innes then filed a petition in the Spanish courts, under the Hague Treaty, for the return of Victoria to the USA. The Spanish court ruled that **she had been**

brought legally to Spain, and that since the habitual residence of Victoria was Spain, that the Spanish courts had jurisdiction in the matter. They awarded full custody to Maria Jose based on the evidence of abuse, Innes' criminal history, and the fact that Maria Jose had always been her primary caregiver.

□Meanwhile...

□Innes pressed his case both in the US and Spain simultaneously. Valencia (Spain) high court of appeals sided with the lower courts in granting **full custody to Maria Jose.**

□Despite the State Court of Valencia ruling on the custody issue, and ordering the confiscation of the child's passports (on the petition of Innes) in order to prevent her leaving Spain, the New Jersey judge proceeded along in a parallel process, which wound up granting custody to Innes. When Maria Jose went to the US in order to demonstrate to the court she had been granted custody and that custody had been upheld on appeal, her passport was confiscated, and she was given 10 days to turn Victoria over to Innes, **EVEN THOUGH THIS WAS LEGALLY IMPOSSIBLE.**

□In November 2006, Maria Jose was arrested by a team of 17 police agents, shackled in leg irons, and hauled before the New Jersey judge where she was threatened with incarceration of 40 years if she did not turn over her daughter.

□She has been held prisoner in the Bergen County Jail since then, the judge refusing all pleas to free her.

Rogue judge Edward Torack

□It is clear that Maria Jose is the victim of a rogue judge, who has little regard for international law and is incarcerating Maria Jose in order to coerce her into turning over her daughter to her abusive ex husband. There is **NO LEGAL BASIS** for this decision. The judge capriciously decided that he didn't like the ruling of the Hague or the Spanish Court, and completely discarded it, ruling in favour of the New Jersey resident (Innes) and blatantly ignoring international law precedents.

□**In the words of Judge Torack:**

“This court will not recognize the decision that offends New Jersey law and public policy and prejudices its citizens...Therefore I cannot and will not recognize the Spanish

Court decision in the Hague Convention hearing.”

Under US law, US courts
MUST respect the legal
judgment of other countries

□ United States law (under ICARA, the Act which recognizes the Hague Treaty) **commands that US courts respect the legal judgements of other nations which are a party to the Hague Treaty.** There was no evidence of fraud nor bias in the Spanish Hague proceeding and custody proceeding. In fact, Innes had been represented by Spanish counsel and had a fair process, under which he was able to present evidence and make his case. He additionally appealed and was heard by a higher court when the lower courts ruled against him. The higher court **UPHELD** the custody decision.

It is not up to judicial whim

□ Judges can not randomly imprison people because they don't like the outcome of a different court. It is not up to this judge to vacate or disregard other court findings. Because the US is party to the Hague Treaty, and because the ICARA statute mandates that US courts respect the judgment of other courts in countries which are parties to the Hague Treaty (as in the case with Spain), then the judge has committed misconduct in contravening the court findings and judgement in the Hague hearing.

□ Judges are meant to interpret the law WITHIN reason. However this statute is clear, and jailing Maria Jose Carrascosa is not only potentially misconduct, but potentially a criminal act.

The Store **MUST BE TOLD**

□The fate of Maria Jose Carrascosa must not be left in the hands of Judge Torack and his disgraceful disregard and disrespect for international laws and treaties. *Her fate is the responsibility of fair-minded people every where*, in Spain, in the USA, in the rest of the world. We must fight for her liberty and against a tyrannical judge who imprisons people based on his whim rather than fact.

What can you do?

□First, familiarize yourself with the case, as much as possible. (www.freemariajose.com)

□Second, email this presentation to as many people as possible. It will be IMPOSSIBLE for this judge to maintain her incarceration in the

face of a **GROUNDSWELL** of public opposition.

□ Third, write your congressman, senator, president, and anyone else you think could have some influence.

□ Tell people you know about the case.

Stop this sad injustice!
Frederick Douglass, African-American slave, and later abolitionist said :

"Find out just what people will quietly submit to, and you have found out the exact measure of injustice and wrong which will be imposed on them, and these will continue till they are resisted with either words or blows. The limits of tyrants are prescribed by the endurance of those whom they oppress."