

***U.S. pursues case south of the border;***

***Baby sitter in abuse case faces prosecution under little-publicized Article 4***

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Georgina Meza was 2 years old when she suffered a massive head injury in her San Diego home while in the care of a baby sitter.

A day later, Georgina was dead and the baby sitter, Martha Grajeda, was gone. Police eventually traced Grajeda, a Mexican citizen, to her hometown of Los Mochis in Mexico.

The case of Georgina, a U.S. citizen who would be 15 today if she had lived, languished for more than a decade. Grajeda didn't reappear north of the border, where a U.S. arrest warrant waited. Extradition wasn't pursued because it's typically a lengthy and politically sensitive process. Hundreds of people – U.S. and Mexican citizens – who are suspected of committing murders, rapes and other criminal acts on U.S. soil cross into Mexico each year, raising the question of whether justice can reach beyond the border.

Authorities had one more option in Georgina's case: Because Grajeda is Mexican, she could be arrested and prosecuted in Mexico for a crime committed in the United States through a little-publicized tool known as an Article 4 prosecution. The name comes from a section of Mexico's penal code.

Today, Grajeda is in a Mexican prison, awaiting a judge's decision.

San Diego County prosecutors said they turned to Article 4 because justice in a Mexican court was preferable to no justice at all, but some say the real solution is to iron out discrepancies between the two countries' legal systems that limit extraditions.

About 90 percent of people who are prosecuted through Article 4 are found guilty, according to figures provided by the Mexican federal attorney general's office. Although Mexican law doesn't permit life sentences or the death penalty, some sentences have been as long as 60 years.

Los Angeles County Deputy District Attorney Jan Maurizi said outcomes can be inconsistent.

For example, she said, a man who shot and killed a 17-year-old boy in the United States in 1989 got two years in a Mexican prison and then "weekend arrest," which he abused to return to the United States. In California, she said, the man would have faced 25 years to life in prison.

Genaro Ramirez, San Diego County deputy district attorney, said his office is aware of potential discrepancies, and decisions to use Article 4 "are done on a case-by-case basis."

**'We trusted her'**

Georgina was a sensitive child, her mother said, who knew just a few words and was prone to crying. She called her twin brother George "Gordo," which means fat in Spanish.

"You had to win her confidence," said her mother, Maria Eugenia Uriza, who still lives in the San Diego area.

One of the people who seemed to have won her confidence, Uriza said, was the live-in baby sitter, Grajeda.

In 1989, when she was 9 months old, Georgina suffered a broken arm while allegedly under

Grajeda's care. Afterward, the parents -- Uriza and her boyfriend, Isidro Jorge Meza -- were supposed to keep Grajeda away from the infants, according to a police report.

But "we trusted her," Uriza said. "She was like a member of the family."

So Grajeda remained in the home, which included three other children from Uriza's previous marriage.

Georgina died roughly a year later, on Sept. 28, 1990, from "a massive head injury which actually produced a tear of a part of the brain," according to Dr. David Chadwick's analysis of her autopsy records. Chadwick is a widely acknowledged expert on child abuse who was at that time director of a unit that evaluated such cases at Children's Hospital.

Chadwick noted additional suspicious injuries. His conclusion, after reviewing police, medical and autopsy records, was that Georgina "is truly a battered child." The term refers to injuries inflicted by other people that are often masked as "accidental."

San Diego police wanted to question Grajeda after the death, but relatives said they had dropped her off in Tijuana and wanted nothing more to do with her, according to a police report.

Police were able to trace Grajeda to an address in Los Mochis, Sinaloa, and in 1993 two San Diego police officers flew out to interview Grajeda with the permission of Mexican police.

Grajeda said she was alone with Georgina and George in the house when Georgina lost consciousness. She told them she had never dropped Georgina. At one point, however, she had left the children to answer a phone call.

"She said the child may have accidentally fallen off the swings . . . that she seemed to be rubbing the side of her head as if she had fallen when she returned from the call . . . and she had dirt on her clothing," according to the police report.

Grajeda said Georgina threw up afterward and lost consciousness. Around this time, according to police records, a family member returned home and took Georgina to the hospital.

As Grajeda said goodbye to the officers in 1993, she cradled her own sleeping 2-year-old daughter in her arms and told the officers she had almost named her own child after the dead girl.

### **Making connections**

Ten years later, Georgina's case came to the attention of Juan Jose Briones, who is part of a three-member international liaison unit in the San Diego County District Attorney's Office.

Bonnie Dumanis, who had been elected district attorney, wanted more cases to be considered for Article 4 prosecution. Briones, a former Mexican state police officer, translated the most important police and medical records into Spanish.

Then he flew to Mexico City to present the evidence and persuade representatives of the Mexican attorney general's office to pursue the case on their behalf -- which they did.

A Sinaloa state judge would decide the case, but additional testimony was needed. The county paid \$5,500 to fly in five people: Georgina's parents, her brother, the original police investigator and Dr. Chadwick.

Though Georgina's case was pursued by Briones' office, it was the California Department of Justice's San Diego office that laid the groundwork for Article 4 prosecutions, starting in 1981.

That office continues to file cases on behalf of law enforcement agencies that don't have international prosecution teams, and so far 81 people have been convicted. Meanwhile, 18 cases were either dropped or resulted in acquittals.

The San Diego County District Attorney's Office started filing its own cases in 1986. It has recorded 50 guilty verdicts out of 62 that went to trial.

Fifty percent to 60 percent of the two agencies' cases have gone to trial.

Ernest Duran, special agent with the California Department of Justice's Foreign Prosecution Unit in San Diego, said more cases are going to trial since Mexico formed a special team to take Article 4 suspects into custody.

Article 4 was unknown to U.S. prosecutors until the late 1970s when they started working with their Mexican counterparts to find ways to prosecute Mexican fugitives. Until then, the problem was often dealt with informally.

Sometimes, for example, Mexican police would turn over Mexican fugitives to U.S. authorities as a goodwill gesture. Extraditions of Mexican nationals, a relatively recent development, remain controversial, Briones said. For many years, Article 4 has been the only recourse for legal action in cases such as Georgina's.

### **Difficult to predict**

Some prosecutors worry that justice will miss its mark because the two countries have such different legal systems.

In Mexico, juries don't determine the outcome of a case, and lawyers don't play such prominent roles in arguing cases on behalf of their clients. Instead, most of the information is submitted through written testimony and documents such as police reports.

A judge's assistant, a trained lawyer, is typically in charge of the case. The assistant submits a recommendation to the judge, who makes the final decision.

With so much weighing on the decision of one person, judges can be susceptible to bribes.

"We have to be realistic and have a sense of what is going on," said Ramirez, the San Diego County deputy district attorney. "If the woman would have been the niece of the mayor, then we would have to discuss what we might do."

Outcomes can be unpredictable. The San Diego County Attorney General's Office thought it had a strong case when a National City girl accused her father of sexually abusing her for nine years.

The family moved to Rosarito Beach, and U.S. authorities pursued the case through Article 4, even bringing social workers and doctors to testify. But when the girl recanted, the case unraveled. Briones believes the outcome could have been different in a U.S. court.

On the other hand, U.S. prosecutors point at the high rate of convictions when people are arrested. They say they were pleased when a Mexican judge sentenced a Mexican gardener to 50 years in prison for the 1997 killing of an elderly Santa Barbara woman. Though the sentence was reduced to about 43 years, U.S. prosecutors say the gardener will serve the equivalent of a life sentence.

"The system works, it just works differently," said Alberto Gonzalez, special assistant attorney general with the California Department of Justice in Sacramento.

During all these years, justice seemed an elusive thing for Georgina's family.

On a certain level, their lives went on. Georgina's twin brother became a teenager. Her half-brother, who drove her to the hospital, joined the Marines and got married. Her parents' relationship deteriorated, however, and they split up.

"There isn't a day that goes by that I don't think of Georgina," her mother said. "She looks out for me, she's my angel. I feel more at peace that sooner or later justice will be done."

Under Mexican law, if convicted, Grajeda could get from 20 to 40 years in prison, Uriza has been told.

Grajeda's lawyer, Virgilio Herrera, said that his client maintains her innocence and that the case is weak because no one saw Grajeda abuse Georgina. He believes the case is a result of U.S. interests being imposed on Mexico: "It's more political than based on legal matters."

U.S. authorities deny that.

"Just because these people are south of the border doesn't mean we will stop pursuing them," Ramirez said. "These are tough prosecutions north of the border. But we are willing to commit the resources to at least present this to a judge. Hopefully, justice will prevail."

## Overview

- People who commit crimes in the United States sometimes flee to Mexico to avoid punishment.
- Extradition often isn't possible, so U.S. authorities regularly ask Mexico to arrest and prosecute those who have fled. That is permitted under a Mexican law known as Article 4.
- Although they are glad to have the Article 4 option, U.S. prosecutors say justice can be uneven because the legal systems in the two countries are so different.

## Use of Article 4

Some cases in which prosecutors have used Article 4:

- Two ex-employees of a Gilroy restaurateur were suspected of robbing and killing him in 1996. One man was arrested in Arizona, but the other, Jorge R. Guerrero, fled to Mexico. In November 2000, Guerrero was sentenced to 20 years in a Mexican prison.
- Bernardo C. Chacon fled to Mexico from the city of East Palo Alto after assaulting two people in 1998, one of whom died. The case was filed in Mexico in 2002, and a year later, Chacon was sentenced to 26 years and eight months for murder and two years and eight months for attempted murder.
- A father who raped his 14-year-old daughter in Spring Valley fled to Tijuana after the incident was reported in 1990. He was arrested and convicted in 2002 and sentenced to 10 years in prison. The father, who said he was too ill for prison, was allowed to serve his sentence under house arrest. He died a year later. Authorities declined to release the man's name, fearing that would further victimize the man's daughter.