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Costa Rican Lawyer Twice Arrested on Drug Charges Gets Help for Clients from Judge Who Released Him

by George Rodriguez
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It has all the makings of a soap opera, but it is reality at its rawest. The story's main characters are two Mexicans being held on drug charges, their counsel, who has twice been jailed on such charges, and a woman judge who managed to have him released the second time and who was handed the case of the two Mexican suspects.

It all started the morning of Oct. 10, 2010. Two minutes after having taken off from the Tobías Bolaños Airport, a small airfield just outside the town of Pavas, 15 km northwest of San José, the Costa Rican capital, a small airplane with two men on board crashed on the bank of the Torres river. The men, both Guatemalans, were rushed, seriously injured, to the Hospital México, a major state-run medical facility.

At the scene of the accident, officers of the Fuerza Pública (FP), the Costa Rican police, found drugs—what turned out to be some 177 kg of cocaine in small packages—stashed inside one of the aircraft’s wings. Agents of the Policía de Control de Drogas (PCD) rushed to the scene, and an investigation began.

At the hospital, one of the Guatemalans died, and the other, identified by his last name—Monzón—underwent surgery and has been kept there in preventive custody.

The day after the crash, in northern Costa Rica, two Mexicans were about to cross the Costa Rica-Nicaragua border into Nicaraguan territory at a spot close to the Costa Rican Peñas Blancas border post, 311 km northwest of San José, when FP officer Víctor Medina arrested them.

The men—Rubén Martínez and Elvis Mendoza—were carrying US$80,000 in cash in a suitcase and tried bribing Medina by offering him a free trip to Mexico. But the policeman was not tempted, stood his ground, and turned Martínez and Mendoza in.

The Mexicans were given six months preventive detention at the maximum-security section of the Centro Penitenciario La Reforma, one of Costa Rica’s main penitentiaries.

A well-connected lawyer
It was then that the lawyer took center stage. Leonel Villalobos is a lawyer who has held public and elected positions and has also been arrested, twice in a decade, on drug-related charges. Villalobos was vice minister of security under former President Luis Alberto Monge (1982-1986), co-founder of the social democrat Partido Liberación Nacional (PLN), now the governing party.

A former liberacionista youth leader, the lawyer was also a deputy for the PLN in 1986-1990, when the party was also governing, in the first of former President Óscar Arias’ two presidential terms (1986-1990, 2006-2010).
While serving as one of the 57 members of the unicameral Asamblea Legislativa (AL), Villalobos almost succeeded in becoming the body’s president. His bid for the position was foiled when he was linked to an international drug trafficker.

Seven years after having served as a deputy, Villalobos was arrested on Feb. 27, 1997, in Tibás, a densely populated, middle-class sector on the northern outskirts of San José. His detention—on the charge of "organizing for international drug trafficking"—occurred while he was bargaining the sale of 1.5 kg of cocaine to someone who turned out to be an undercover cop.

On Sept. 14, 1998, Villalobos was sentenced to 12 years in prison but was released on May 6, 2002, only to be arrested for the second time. It happened on Dec. 18, 2008, as part of a drug-related investigation, and Villalobos was then charged with attempting to forge documents to hide assets owned by drug traffickers.

This time, the lawyer was arrested at a San José jury, after the end of a trial during which he was the defense for a couple charged with local drug dealing. But Villalobos was again released from jail, although the cause was—and is—still pending.

In 2009, Judge Kattia Jiménez claimed that there was not enough evidence to suppose Villalobos had committed the crime, thus setting him free.

Two years later, Jiménez was handed the case of the two Mexicans represented by Villalobos, and she decided this month to change the provisional prison both had been serving to house arrest, claiming that in the seven months since both suspects’ arrests the prosecution had not produced a case against them.

**Neighborhoods say no to potential neighbors**

On May 17, as the shock waves of Jiménez’s surprise decision rocked Costa Rica, Villalobos quickly produced a lease for an apartment in a luxury condo in western San José’s exclusive La Sabana section.

As news spread, several neighbors said they were ready to move out if their potential new neighbors moved in. But they did not need to, since the apartment owner said she did not know whom she was renting the place to and, upon finding out through local media, annulled the contract. Another judge then decided to keep the two men in jail, in preventive custody.

Two days later, Villalobos came up with another place, this time a house in a populated, upper-middle-class section on the outskirts of San José. As media again spread the news, dozens of neighbors reacted angrily but peacefully, demonstrating on the block where the house is located and blocking the street.

Women, men, and children took part in the protest, which included several neighbors—mostly women—sitting in chains in front of the house to prevent the Mexicans from settling there. They also placed signs rejecting the judge’s decision and Costa Rican flags on the front metal fence of the house, as police officers sent to the site watched without intervening.

One of the elderly neighbors stood outside the house, yelling angrily, "No gangster is gonna come here!" He added, "I live here, at the corner, and a couple of gangsters, drug-traffickers are coming. Never! They’re not gonna come here! Those people are not entering here!"
Again, the new judge decided to keep the two men in jail, but several neighbors decided to stay all night in front of the house in case there was any move to surreptitiously transfer the prisoners while the neighborhood was asleep. Several protesters said that they would back any other neighborhood's opposition to place the prisoners there.

Villalobos came up with yet another house, in yet another sector of San José’s outskirts. On May 24, news spread again, and the newly affected neighbors also came to the defense of their community. The judge again kept the prisoners in jail, this time extending the measure four months, accepting a request made by the MP.

Analyzing this case, Juan Diego Castro, a Costa Rican lawyer and former minister of security, told NotiCen that "private lawyers defending gangsters become partners of the mafia. These lawyers are not paid in money, they get part of the profits of the business."

The Mexicans’ counsel "has been jailed for drug trafficking," Castro pointed out. "I don’t agree with our neighborhoods being turned into prisons for drug traffickers. The state has jails for this."

Costa Rican President Laura Chinchilla also supported the neighbors’ actions. "Neighbors who say ‘we don’t want drug traffickers in our neighborhood’ are right," she told a group of police during a ceremony in which she handed out new uniforms. "We don’t want them in our country."

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