

Supreme Reverts Lower Court: American Boy Sean Stays in Brazil

Contributed by José Wilson Miranda
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American David Goldman, after a five-year judicial fight to have custody of his biological son, arrived in Rio de Janeiro for what he expected would be his reunion and trip back home with 9-year-old Sean Goldman. This will not happen.

A Federal court had determined on Monday that the child would be returned to him this Wednesday, June 3. A Supreme Court ruling, however, has voided the lower court decision, and Sean will now continue with his stepfather, João Paulo Lins e Silva, in Rio, for an indefinite time.

Supreme justice Marco Aurélio Mello took his decision in response to an emergency request made by senator Francisco Dornelles, the president of the obscure Progressive Party (PP), part of the ruling coalition that dominates Brazil.

Dornelles argued that the whole process was going too fast for the good of the boy, that the case had become over politicized and that Sean, being Brazilian, could not be "extradited." Sean was really born in the state of New Jersey, but he has dual citizenship, since his mother was Brazilian.

Sean's mother, Bruna Bianchi Carneiro Ribeiro, took the boy to Brazil when he was 4, for what should be a two-week vacation. But she never went back. She then married lawyer Lins e Silva.

Last year, Bruna died while giving birth to a child from her new husband. Even after her death, however, Lins e Silva kept the guardianship of the little boy, arguing that the child would not adapt to a life in the United States.

The Supreme Court's fast decision once again shows how powerful Lins e Silva and his family are in Brazil. Dornelles seems to have decided to interfere in the case only because he is a good friend of the Lins e Silvas. Now is the turn of Goldman's lawyer to appeal the Supreme decision.

Sean is the focus of a judicial dispute between Brazil and the United States, which has already reached the highest echelons in both governments. US Secretary of State, Hillary Clinton and the US Ambassador in Brazil, Clifford Sobel, had pleaded in favor of Goldman. During his visit to Washington, Brazilian president Luiz Inácio Lula da Silva was also questioned by US president Barack Obama about the boy.

It's not clear how long will it take for the Brazilian Supreme Court to make a final decision in this case. Some believe that this will happen in two weeks. But others say that it might take several weeks or even months.

On Monday, Rio's federal judge Rafael Pereira Pinto had ruled that the Brazilian family had 48 hours to return Sean to the American Consulate in Rio, where Sean would be delivered to his father.

The lawyer for Lins e Silva, Sérgio Tostes, had filed his own petition, Monday night, before a Rio Regional Federal Court in an attempt to reverse the first ruling and prevent Sean from joining his father. The PP appeal was considered even before Tostes's request. The lawyer explained:

"The appeal that was considered by the Supreme was not mine. It was the one from the PP. This warrant is enough, however, to guarantee that Sean stay in Brazil until there is a trial in the Supreme. I was very pleased to hear about this decision."

Tostes believes that trial in the Supreme will happen within two weeks and says that he is confident that his side will end up winning the case.