

Defendant's Post-Release Petition: Dec. 4, 2009

Background: After it became apparent, following a victorious extradition hearing in which defendant Gregory James Caton was ordered released, that local police officials – acting on behalf of the corrupt U.S. Consulate in Guayaquil – were not going to follow the judge's order, the following petition was filed by Caton's counsel. It also questions the illegal revocation of Caton's visa.

Quite incredibly, this petition requests that the legal procedures of the previous two days be altered so that *the law can begin to be applied*.

What follows is the original petition, drafted in Spanish, followed by its English translation.

CORPORACION JURIDICA TOALA-& ASOCIADOS

CASOS PENALES, TRANSITO, CIVIL, LABORAL MENORES, COSTITUCION DE COMPAÑIAS



DIRECCION RUMICHACA Y LUQUE No. 1123

TELEFONO: 091592836

SEÑOR INTENDENTE GENERAL DE POLICIA DEL GUAYAS

GREGORY JAMES CATON, dentro del improcedente **EXPEDIENTE** seguido en mi contra, ante usted comparezco expongo y digo:

PRIMERO: Señor Intendente luego de haberse realizado la Audiencia, misma en la que fue evidente que el Señor Fiscal basó su acusación en una noticia extranjera, arrogándose funciones o principios de extraterritorialidad de la Ley sin tener competencia ni jurisdicción para ello, violándose el derecho a la legítima defensa y al debido proceso; además de no haber sido justificada la acreditación escrita de un traductor bilingüe, ya que no consta dentro del expediente; también el Fiscal hace referencia a la revocatoria del Statu quo, o Visa de inversionista que acredita mi legal permanencia en este País; y como él mismo manifestó solicitó expresamente a la Subdirección de Extranjería del Litoral sin tener fundamento legal para ello, solamente en meras presunciones fuera de competencia. " O ESTAMOS ANTE UN FISCAL INTERNACIONAL QUE NO EXISTE DENTRO DEL DERECHO UNIVERSAL". Abusando de su autoridad como tal ya que el funcionario que revoca la Visa está en su obligación de acatar esta petición porque caso contrario estaría inmerso en un desacato, el mismo que sería causal de destitución.

SEGUNDO: Dejo constancia que el documento con código rojo de la interpol descargado del Internet por el Señor Fiscal no consta su Traducción por escrito, y así podría haberse iniciado una investigación y abrirse una indagación previa ilegal, inconstitucional, improcedente, ya que he probado fehacientemente que estoy legalmente residiendo en el Ecuador y la Ley o petición no es retroactiva.

TERCERO: Por lo expuesto Señor Intendente, solicito y apelo a su sana crítica, que prevalezca la Constitución de la República y al Derecho Penal

TOALA & ASSOCIATES LEGAL CORPORATION

CRIMINAL CASES, TRANSIT, CIVIL, LABOR, MINORS, CONSTITUTION OF COMPANIES

ADDRESS: PUMICHACA Y LUQUE No. 1123

TELEPHONE: 091592836

DEAR GENERAL MAYOR OF THE POLICE DEPARTMENT OF GUAYAS

GREGORY JAMES CATON, in the wrongful EXPEDIENT followed against me, before you I appear and state:

FIRST: Dear Mayor, after the hearing was held, it became evident that the Prosecutor based his accusation on foreign news, expounding extraterritorial principals of Law without having competence for them, infringing the right to a legitimate defense and due process, as well as not having (an English) translation since it is not present in the expedient. The Prosecutor also refers to the revocation of the Statu quo or investor's visa that authorizes my legal permanence in this country and as he stated, he requested the Department of Immigration of the Littoral to revoke a visa without having legal grounds, based only on mere presumptions without competence. OR ARE WE BEFORE AN INTERNATIONAL MAYOR THAT DOES NOT EXIST IN INTERNATIONAL LAW? He abused his capacity as an authority, therefore the Immigration officer had the obligation to obey this petition, if not, he would have been engaging in disobedience and this would have caused his destitution.

SECOND: I hereby declare that the document of red code downloaded from the Interpol by the Prosecutor does not have a translation; therefore, an illegal, unconstitutional and wrongful investigation could not have been initiated since I have irrefutably proved that I am legally residing in Ecuador and the Law is not retroactive.

THIRD: Considering the aforesaid dear Mayor, I request and appeal to your judgment to enforce the Constitution of the Republic and Criminal Law of Ecuador, to resolve and to comply with the release order issued by the First Judge of Criminal Guarantees of Guayas and to grant my immediate freedom BECAUSE I HAVE NOT COMMITTED ANY CRIME IN ECUADORIAN TERRITORY, CONSEQUENTLY I RESPECTFULLY REQUEST YOU MAYOR TO ENFORCE THE CONSTITUTIONAL GUARANTEES AND ESPECIALLY ARTICLE 9, ARTICLE 66 NUMERAL 14 SUBSECTION 2 SINCE I AM A POLITICALLY PERSECUTED PERSON IN MY COUNTRY OF ORIGIN. And I am illegally arrested and once more I reject the wrongful investigation carried out by the Prosecutor for the crimes that I am supposedly involved with, infringing the Constitution of the Republic of Ecuador in its Articles 9, 75 and 77, each numeral and especially numerals 5, 6 and 7 and additionally infringing the International Treaties subscribed between my country and Ecuador as well as the International Convention of Human Rights subscribed in Costa Rica.

ARTICLE 9. - FOREIGN PERSONS IN ECUADORIAN TERRITORY SHALL HAVE THE SAME RIGHTS AND DUTIES AS THOSE OF ECUADORIANS, IN ACCORDANCE WITH THE CONSTITUTION.

FOURTH: BY VIRTUE OF THE AFORESAID AND IN COMPLIANCE WITH THE IMMIGRATION LAW, I HAVE THE RIGHT TO A LEGITIMATE DEFENSE AND TO DUE PROCESS.

FIFTH: I ALSO REQUEST MY IMMEDIATE RELEASE IN ACCORDANCE WITH ARTICLE 77, NUMERALS 1 AND 11 AND TO GRANT ME AN ALTERNATIVE MEASURE SINCE IT IS PROPER IN ACCORDANCE WITH THE CONSTITUTION OF ECUADOR.

SIXTH: I authorize Atty. DORLANDIG H. TOALA Q. to represent me in all the necessary documents in defense of my rights. The notifications that correspond to me, I will receive in the judicial box No. 1749 located at the Provincial Court of Guayaquil.

Please issue a ruling.

(Illegible signature)

GREGORY JAMES CATON

ATTY DORLANDIG H. TOALA Q.