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**The Costa Rica Extradition**

**By William Freeman**

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My name is William Freeman, Jr. In April of 2000 Interpol arrested me at my home in Guadalupe, Costa Rica for charges that stemmed out of Wyoming in 1991. The charges were Conspiracy to Distribute Cocaine. Costa Rican law and the Costa Rican Constitution do not have a provision for conspiracy laws; therefore, I decided to fight the Extradition. I was arraigned in Court and appointed a Public Defender. I was advised of my rights under the laws of Extradition and also under the Constitution of Costa Rica. I was then transferred to San Sebastian Prison in San Jose, Costa Rica where I was confronted by a group of inmates at knifepoint. They wanted the clothes I had brought with me. I refused to relinquish my clothes and suffered the consequences with a broken arm. The unit I was placed in was equipped with 80 beds, yet there were 324 inmates in this unit, most of which were sleeping on the floor. I did sleep on the floor for the first couple of days until I was able to purchase a bed for \$200. The prison does not supply you with clothing, dishes, hygiene products or bedding. This, you must have delivered to you from the outside if you, in fact, have someone to do this for you. The prison does not have hot water, nor does it have water for toilets. There were two faucets with cold running water which the inmates used for showers. I made arrangements to have bedding delivered to me, along with the many other items I needed, including the delivery of food. Without this outside assistance, I would never have survived the 15 months I spent there. The prison unit was dark, filthy, over-crowded and filled with disease, rats, and daily violence that resulted in the deaths of other inmates. My public defender was at first very confident that I would win the Extradition and be set free. According to her, it was just a formality that I must go through and we must wait the formal filing of charges by the United States Embassy. She was certain that they would not file these charges in 60-day time period allotted by the courts in accordance with the Bi-lateral Extradition treaty between the United States and Costa Rica. Late in the afternoon of day 60, the United States Embassy did file the formal charges. I decided that I would continue to fight the Extradition to the United States. For those of you not familiar with Extradition law, you have only three days to appeal the court's decision. While I was awaiting a decision from the court, my attorney stopped taking my calls and would not respond to my inquiries. I knew that the court would be rendering a decision at any moment and my attorney's failure to communicate with me had me quite concerned. It was at this time I decided to write my own appeal for a court decision I had not yet received. I feared that the court would decide against me and allow the United States to extradite me and that my attorney was working in conjunction with

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the United States Embassy. I was correct in this assumption, as the Court had in fact decided in favor of the United States to extradite me. But because I had anticipated this, I had a friend of mine hand-deliver the blanket appeal I had prepared to the court. This allowed me time to prepare another appeal that would answer the court's decision. Had I not filed my appeal prior to receiving the court's decision, the time allotted for appeal would have lapsed and I would have been extradited. To my amazement, when I read the court decision, the Judge had taken my one conspiracy charge and made two charges out of it to fit a similar charge of distribution of cocaine under the laws of Costa Rica. To be extradited from another country, both countries must have the same exact law. According to the laws of Extradition, if the country you are residing in does not have a similar law, then you are not extraditable. Due to the fact that Costa Rica does not have conspiracy laws, I would not have been found. Therefore, the judge changed my charge from conspiracy cocaine to distribution of cocaine,

now justifying my Extradition, as the laws are now the same in both countries. I decided it would be in my best interest to continue studying the law and I made arrangements to have the Costa Rican law books purchased for me and delivered to the prison so that I may study for my defense. I was doing a much better job than the attorney I had and my appeal had been accepted. This allowed me more time to study and submit another appeal. I am fluent in Spanish and this was of great assistance to me in my studies of the law and preparation of legal briefs. Through my studies, I also had studied the conventions that govern Extradition law and I was becoming very knowledgeable in law which related to Extradition, the Bi-Lateral Treaty, and the Constitution of Costa Rica. As I had been preparing everything in Spanish, the court assumed that I had had legal assistance of some sort. I then learned some very important things that directly related to my case. The first one was that my rights had been violated because all the documents I had received to date were in Spanish. Due to the fact that I am American and my native language is English, the court violated my rights by not having an interpreter present during the court proceedings and that the documents I had been receiving were not translated into English. I filed an appeal with the Tribunal Appeals Court which decided in my favor and had the Extradition proceedings suspended until an interpreter was appointed and all the documents were translated and prepared in the English language. This bought me time to prepare my case on appeal. I also learned that due to the fact that I was looking at a sentence of ten years to life, it was a violation of the Costa Rican Constitution. Costa Rica does not allow indeterminate sentences. This now required that the United States provide the Costa Rican Government a judicial promise that I would not receive an indeterminate sentence. The problem with this is that the judicial system in the United States will not allow a judge to make any type of promise to another country, nor can he make a promise on a case that has not yet been tried in a United States court of law. I had the United States in a "Catch 22" on this point. Under Costa Rican law, there is a five-year statute of limitations to arrest and convict a person. My charges stemmed from a 1991 charge so I was protected under this law. It was at this time that I noticed that Article 16b of the Extradition Treaty was unconstitutional under the Costa Rican Constitution which states that once a person is extradited, the United States can also charge a person with other crimes that were not included in the request for Extradition. With this information at hand, I began to prepare my defense what I believed to be a winning defense. I also decided that I needed a defense attorney to present my arguments. It was at this time that I hired my own attorney to do this for me. When he came to visit me at San Sebastian Prison and read the documents I had prepared, he was confident that I would be set free. My new attorney accompanied me before a panel of a three-judge appeals court tribunal. The United States Embassy was also present for these proceedings. As I began to present my arguments, it was very apparent that the Judges were not

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listening to me and that they, in fact, were once again trying to twist the laws. When I argued that the statute of limitations had expired, they responded by saying that there is no statute of limitations in the United States. But Extradition laws clearly state that Extradition laws of the country of residence shall govern the Extradition proceedings. I could see that I was not being listened to and, therefore, finished presenting the arguments I had prepared. I then returned to San Sebastian Prison to await the decision. During the days that followed, I tried to contact my attorney to inquire if he had any response from the court and to get feedback from him. Once again, I ran into the prior problem I had with my public defender; he would not answer my calls. I had a friend of mine try to call him and his calls also went unanswered. I then had someone go to his office, only to find that he had moved. When a friend on mine finally located him at his new office, he informed my friend that he had been confronted and told to drop my case if he had any political ambitions for the future. Once again, I found myself without an attorney. It was at this time that I decided to file an appeal with the Supreme Court of Costa Rica. I filed the appeal stating that (1) the statute of limitations had lapsed; (2) the United States had to provide a judicial promise, stating that I would not receive an indeterminate sentence; and (3) that conspiracy does not exist in Costa Rica; therefore, these proceedings should be dropped. The Supreme Court issued an order to the United States Embassy, The Costa Rican Courts and

immigration that I was not to be touched by anyone and that I could not be removed from Costa Rica. I then had another public defender appointed for me and she was, at first, very confident that I would be set free. But I had been studying the law that pertained to Article 16b of the Treaty that allowed other charges to be filed against a person that was extradited. I had been visiting with another private attorney who was knowledgeable in Extradition law and together we prepared an argument to submit to the Sala IV, the Costa Rican Supreme Court, challenging the Bi-Lateral Extradition Treaty between the United States and Costa Rica, stating that Article 16b of the Treaty was unconstitutional and that the Treaty needed to be ratified to reflect this unconstitutional article. I had to submit the argument two times. The first time, the Sala IV returned my argument, stating that the argument had merit but I lacked the proper stamps that must be submitted with a brief and that I must follow their established format. They asked me to rewrite the brief and resubmit it, at which time they would make their decision. In the meantime, all Extradition proceedings would be suspended, not only against me, but also against any other persons that may be awaiting Extradition to the United States. With this filed in the Sala IV and having been accepted, along with the Sala IV order stating that I could not be removed from Costa Rica Territory, I was confident I would go free. Legally, I had won on every point of the law and I was not extraditable. I needed only to wait for the ruling to be handed down that would set me free in Costa Rica. On May 9, 2001 my name was called in the San Sebastian prison. I was put into a prison van and brought to the airport, where two United States Marshals were waiting for me, along with a judge I had never seen, and representatives from the United States Embassy. With my Supreme Court order in hand and under protest, I was illegally taken from Costa Rica and brought to the United States, where I was eventually sentenced to five years in a federal prison for Conspiracy To Possess With Intent to Distribute and to Distribute Cocaine. I completed my sentence on November 21, 2003. For those of you wishing to contact me, please forward your inquiries to [william\\_freeman\\_109@hotmail.com](mailto:william_freeman_109@hotmail.com) Written by: William Warren Freeman Jr.

## Traveling In Costa Rica

## The Costa Rica Extradition

**By Carmen Ross**

Costa Rica is full of fascinating things to see and do. When you visit Costa Rica the first thing that you will notice is the friendly environment that permeates every aspect of the society in Costa Rica. And there are not many places on earth that are as beautiful all year round as Costa Rica. In Costa Rica you will be able to sit on the beach and luxuriate under the sun or choose from a variety of adventures that you just cannot find back at home.

If you are staying in Costa Rica you will want to check out all of their fabulous museums. There are over 30 different fantastic museums in Costa Rica and each of them will take your breath away with their amazing artifacts. You will find some of the most fantastic finds in Costa Rica at their museums. These museums are a great way to spend the day when you need a little break from the sun and the beach.

The sun in Costa Rica is powerful so be sure to bring some good sunscreen and a hat, getting sunstroke in Costa Rica is no way to enjoy your vacation.

There are many other gorgeous sites to see in Costa Rica besides the sun and the museums and one of them is the variety of trees. If you love the outdoors then Costa Rica is the place for you. There are many hikes and treks that you can go on in Costa Rica that will thrill your senses. You will get to see a good portion of the wildlife in Costa Rica as they go about their daily business, which is always fun and exciting. Costa Rica is a great place to visit either on your own or with others.

Carmen Ross is the owner of Costa Rica Travel And Real Estate Site. (

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). Her site contains information and resources for

people interested in traveling to Costa Rica and living in Costa Rica.



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