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A crash course in justice, Mexican style

- Toby Miller
- From: *The Australian*
- September 07, 2011 12:00AM

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I ENTERED the law court with trepidation. Two weeks earlier, I found myself in a multinational coffee chain: a balmy night, comfortable chairs, open doors. I was relaxing into my new job as director of the University of California's study-abroad program in Mexico City.

A young man sprinted from behind me, lifted my laptop gracefully and efficiently from my hands, and ran. Awkward, confused, I got to my feet. He had 30 seconds and 30 years on me. He raced across the road as cars appeared and was gone.

Dejected, I returned to my remaining possessions. Witnesses comforted me. Then a security guard in mufti said the police had caught the thief. Sprinting across the street, we found a motorbike officer sitting astride a wailing *ladron* (thief) bearing my MacBook Air. Police officers converged. Having established that, despite my looks, I spoke Spanish, they invited me to the *delegacion* (police station).

Crying, the young man screamed *por favor* (please) for two hours. I asked an official how he was (and how his human rights were). I was told he was intoxicated. They wouldn't let me take my laptop that night. I was to return the next day so the police could value and photograph it.

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I grew worried about *la mordida*, a local method of extracting tribute. Should I offer a bribe and, if so, how, how much and to whom?

The next day, a new detective didn't believe I owned the laptop, despite my testimony of the night before (signed under pain of two to eight years in jail for perjury).

After a half hour of protests, he wordlessly opened a tin drawer and handed me the computer.

Story seemingly over, other than to ponder the future of the young man.

Not so. A few days later, a woman came to my loft in Coyoacan with a summons ordering me to court. I was concerned: a foreigner, unused to Mexican legal norms but familiar with the searing documentary indictment of that system, *Presunto Culpable* (Presumed Guilty), which headlined across the globe this year.

The three countries where I am a citizen made it clear on local websites that they wouldn't help beyond listing *angloparlante* (English-speaking) lawyers. Thanks. I spoke to the father of a friend. He connected me to an old classmate who practised criminal law. We agreed to meet on the morning of the hearing. My anxieties were inchoate but profound. I feared extortion, based on my Mexican friends' predictions. Astonished that my property had been returned to me, they were certain I'd be at risk this time.

The court was an open-plan office, separated from the public by a counter. When called, I walked to a desk, realising with a jolt that the young man who had taken my laptop was there, in chains, and two police officers had machineguns. We sat within a foot of each other.

My lawyer and a friend were not permitted to sit at the desk. They stood behind the counter, within earshot. The lawyer's daughter, an English speaker, accompanied me. In the end I didn't need her help.

The presiding officer addressed me serially by all my names. I would be Bruce, then Toby, then Andrew and so on. For the umpteenth time, I silently cursed my parents for not calling me what they called me, so to speak.

He took me through my original *demanda* (lawsuit), which outlined the facts. I confirmed them. Then he posed additional questions, under instruction from a justice official.

I sat uncomfortably next to the defence attorney, the machineguns, the chains and the defendant. I took the opportunity to underscore that there had been no violence. Looking down at the ground and sobbing, the thief said, in English, "Thank you, senor Miller." I said I didn't want the robbery to prejudice his future. Mexican jails are grim.

The *ladron* and his *abogada* (lawyer) spoke privately with the officials. He tried to shake my hand through his chains. Weeping, he said in English, "I am terribly sorry, senor Miller, I was high on a substance."

I responded in Spanish, so the authorities would understand, that I believed he could change his life. He said he was determined to do so. I told the judge a jail sentence would be counter-productive. Medical and psychological intervention would be better.

The judge agreed, but said: "This is not a modern society."

He added that because of the cost of the stolen item, he had no discretion. A jail sentence was mandatory. I was dismissed. As I walked to the exit, the young man's mother approached me, apologising and weeping. We held one another. She said it was due to drugs. Her sister wept. I said no forgiveness was needed.

I walked slowly, unsteadily away. It was 11am.

Toby Miller is director of the Study Abroad program at the University of California.

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