

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-4709**

November 28, 2011

The Honorable Hillary Clinton  
Secretary of State  
2201 C. Street N.W.  
Washington D.C., 20520

Dear Secretary Clinton,

We write to urge your immediate attention to the case of Jason Puracal, a U.S. citizen who is imprisoned in Nicaragua.

Mr. Puracal was convicted by a Nicaraguan court in September 2011 and is currently serving out his sentence in Rivas, Nicaragua. Most recently, Mr. Puracal has faced troubling delays in his right to appeal his case in a timely manner.

We were very concerned that the presiding judge, Artola Narvaez, may not have been qualified to preside over the case according to Nicaraguan law. It is our understanding that the Nicaraguan Supreme Court issued a Constancia, which states that Mr. Narvaez "is not registered as a lawyer or notary public." Article 137 of Nicaragua's Judicial Power Organization Act requires that one must (1) be an attorney, (2) have practiced for at least three years, and (3) have served as a local judge for at least two years. Without these qualifications, we understand that Mr. Narvaez was not qualified to serve as a judge in the district of Rivas under Nicaraguan law.

Further, we are deeply disturbed by recent news that Mr. Puracal's right to appeal his conviction and sentence has been delayed. Mr. Narvaez wrote the sentence on September 6<sup>th</sup>, but failed to notify Mr. Puracal's attorney of the sentence until September 21<sup>st</sup>, delaying the opportunity for appeal.

We appreciate the Embassy's prompt diplomatic note to the Nicaraguan government addressing the delay in sentencing for Mr. Puracal and requesting an investigation into the matter. However, it appears that sentencing problems remain. We understand that Mr. Puracal's attorney filed an appeal brief outlining the denial of Mr. Puracal's due process rights at trial but the appeal awaited further action by a judge in Rivas and the sentence of his co-defendant, Delvin de Jesus Bolanos Espinoza. Until all defendants were notified of their sentence, we were informed that Mr. Puracal's appeal could not be heard. We understand that the Rivas judge notified Mr. Espinoza of his sentence only after his attorney went to the courthouse to demand the notification nearly two months after the sentence was written. The

delay in notifying Mr. Espinoza of his sentence effectively delayed Mr. Puracal's right to appellate review. Mr. Puracal is currently waiting for the Rivas judge to take further action for his appeal to be considered by a higher court.

Despite the Embassy's best efforts, Mr. Puracal continues to be denied due process by the Nicaraguan judicial system. We appreciate the attention that the State Department has already given to this case and we stress that continued attention would help ensure Mr. Puracal's appeal is heard in a timely manner and is fairly considered. We, therefore, request that the State Department take all reasonable measures possible to achieve this outcome.

Thank you for your attention to Mr. Puracal's case.

Sincerely,



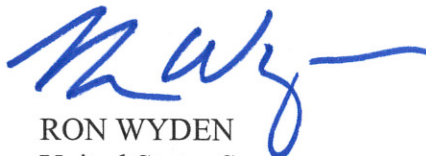
ADAM SMITH  
Member of Congress



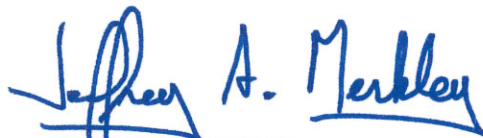
PATTY MURRAY  
United States Senator



MARIA CANTWELL  
United States Senator



RON WYDEN  
United States Senator



JEFF MERKLEY  
United States Senator