

## Former Lawyer, Judge Work On Reforms With Cape Verde Officials



**Many immigrants have a soft spot in their hearts for their home countries. Joseph Moniz, a semiretired trial lawyer, has taken that even further.**

Moniz has been working on legal reform in Cape Verde for 20 years, including a trip planned for next month in which Moniz, former Connecticut Supreme Court Justice Lubbie Harper Jr. and others will demonstrate plea bargaining. Moniz, from the Hartford area, is a second-generation American after his parents immigrated from the island archipelago nation off the coast of western Africa.

There are more people from Cape Verde in the United States than in the country itself, said Moniz, who grew up in a neighborhood of Providence, R.I., that was full of Cape Verdeans. He was the first in his family to go back to the country. "We're having an impact," Moniz said. Cape Verde obtained its independence from Portugal in 1975 and turned to a democratic form of government in 1991. A group of Cape Verde Americans arranged for Carlos Veiga, then the

prime minister of the newly democratic country, to visit the United States after his election. Moniz met Veiga during that visit and was invited to work with the Cape Verde minister of justice on improving the island nation's court system.

Moniz spent three months in-country in 1993 on that effort. "We put together a system based upon the Connecticut state court system and the federal court system," Moniz said.

The constitutional amendment adopting those reforms was not passed until February 2011, which turned Moniz's rule-of-law volunteerism into a multidecade affair.

Some basic American concepts were implemented into Cape Verdean law: there is a right to a fair trial; legal counsel is provided to indigent defendants; and defendants are presume innocent until proved guilty.

Since the constitutional amendment was adopted, Cape Verde officials have continued to look for ways to improve their justice system. They have paid visits to Connecticut and New York, while legal leaders from those states have traveled to Africa.

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Attorney Joseph Moniz (left) with Capeverdean President Fonseca[/caption]

One additional reform being discussed is the use of plea bargaining. While 85 to 90 percent of criminal cases resolve within one year through plea bargaining in Connecticut, as many as 70 percent of Cape Verdean cases are not disposed of prior to trial.

Harper, who now sits by designation on the state Appellate Court, said that has led to a backlog in Cape Verde of 90,000 cases. During a 2013 visit to Cape Verde by Harper, Moniz, and David Soares, the district attorney in Albany County, N.Y., Cape Verde officials "became very, very interested in the concept of plea bargaining," Harper said.

The United Nations Office on Drugs and Crime wants the Cape Verde judicial "system to work better because it's a gateway to crime in all of Africa," Moniz said. Cape Verde is a key pitstop in the worldwide trafficking of drugs, he added.

A Cape Verde delegation of six lawyers visited the United States in October. They went to state

and federal courts in New Haven and Hartford and state court in Albany. The stateside organizers, for example, wanted to show their guests that the Connecticut court system handles serious criminal cases in a different manner than less serious cases, which are often plea-bargained. The point the American hosts were making is that there's a way to quickly dispose of cases that should not linger in the system.

The Cape Verde lawyers needed to see how things work firsthand to understand how cases can be disposed of in a quick fashion, Moniz said. One attorney, after seeing a prosecutor going through file after file in a New Haven courtroom, said plea bargaining seemed heavenly to him, Moniz said.

Harper said that assisting another country's legal system does not involve placing the American system on a pedestal.

"You can't have this patronizing attitude. That's clearly not the approach we took," Harper said.

"They were the ones who latched onto the plea bargaining concept. I think the problem we have a lot of times when we go into foreign countries is [having the attitude], 'We're here to tell you what to do.'"

The Cape Verde legal officials want Moniz, Harper and others to come back in April and to do demonstrations on how cases are disposed of on four different islands: Sal, Sao Vicente, Fogo and Santiago.●

### **AMARIS ELLIOTT-ENGEL, The Connecticut Law Tribune**

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