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Brazilian couple get light sentences in grandson's abduction

By Juan A. Lozano

HOUSTON (AP) — A wealthy Brazilian couple were sentenced Wednesday to minimal U.S. prison terms for helping their daughter keep her son in Brazil for the past five years in violation of the terms of her divorce to the boy's American father.

Carlos Guimaraes, 68, was sentenced in Houston federal court to three months in prison while his wife, 66-year-old Jemima Guimaraes, received a one-month term.

The couple told the judge they were only helping their daughter because they believed she was a victim of domestic abuse.

Prosecutors allege that the couple helped their daughter, Marcelle Guimaraes, keep her son in Brazil after she took him there in 2013 and failed to return to the U.S., violating a custody order in a divorce case out of Houston.

They were arrested in February after flying to Miami. A jury in May convicted them of kidnapping but acquitted them of a related conspiracy charge.

Marcelle Guimaraes, who was also indicted in the case, is a fugitive and remains in Brazil with her 9-year-old son, Nico.

The boy's father, Christopher Brann, lives in Houston. He has denied that he physically abused his ex-wife and he has never been charged with having done so.

Before announcing his sentence, U.S. District Judge Alfred Bennett said he believed evidence showed the marriage was volatile and that Brann and his ex-wife had physically abused each other. Bennett also expressed concerns about the role the defendants played in the case, saying they had no custodial rights over the boy.

“I’m seeking a just sentence,” Bennett said. “There is no sentence I can impose that will resolve this family fracture.”

Bennett imposed a sentence that was below the sentencing guidelines, which called for the Guimaraeses to get a year and three months to a year and nine months in prison.

During an emotional victim impact statement, Brann said he has spent the last five years fighting to get back his son, but that Carlos and Jemima Guimaraes had done everything they could to prevent him from doing so.

“When they took my son away from me, they took everything away from me,” Brann said as he cried while standing before Bennett.

After the court hearing, Brann said he was disappointed in the sentence and worried he might never see his son again.

“I love my son and I will continue to fight for him,” Brann said.

In brief statements before sentencing, the Guimaraeses denied they had done anything wrong.

“We deeply regret where we are today. We are at your mercy,” said Carlos Guimaraes.

The couple will remain free on bond until they report to federal prison early next year.

In a Skype call with reporters in Houston from her apartment in the Brazilian city of Salvador, Marcelle Guimaraes said her parents shouldn’t spend any time in prison.

“They haven’t done anything wrong,” she said.

Marcelle Guimaraes accused Brann of being violent with her on numerous occasions, including punching her and throwing her against a wall.

But Marcelle Guimaraes said she didn’t initially make these allegations in her divorce proceedings because she didn’t want them to become public.

Rusty Hardin, attorney for Carlos and Jemima Guimaraes, said they have never been in a position to forge a solution in this case.

“It’s their daughter’s decision that they have no control over,” he said.

Carlos Guimaraes is president of ED&F Man Brasil, a commodities trading firm, while his wife owns a young children’s school in Brazil.

Brann's attorneys are appealing a ruling in 2015 by a Brazilian judge that denied the boy's return to the U.S. under the Hague Convention on the Civil Aspects of International Child Abduction, an international treaty for governmental cooperation on such cases.

Nico Brann's case is one of several in recent years involving Brazil and the U.S. that have attracted international attention, including the case of Sean Goldman, whose father, David Goldman, spent years in American and Brazilian courts before he finally took Sean home to New Jersey in 2009.

Sean's case prompted a 2014 law giving the State Department more tools — including the suspension of economic support — to pressure foreign governments to send home abducted American children. It's unclear if the U.S. is using such leverage to push for the return of Nico Brann.

David Goldman, who attended Wednesday's sentencing, said he wanted to show his support to Brann and bring attention to the plight of other parents who are also fighting to get their children back.

In its 2018 report on international child abduction, the State Department said Brazil in 2017 demonstrated a pattern of noncompliance to the Hague Convention child abduction treaty and that the country has been cited as noncompliant since 2006.