

STATE EDITION

TODAY'S FORECAST: Low clouds followed by sunshine.

at 7 A.M. 56°

at 2 P.M. 67°

at 7 P.M. 64°

WWW.NJ.COM

THE NEWSPAPER FOR NEW JERSEY

SWIFT, SWEET JUSTICE



BRAUN

CONTINUED FROM PAGE ONE

Bold ruling in federal court

failure of Walls to admit into evidence or refer in his decision to allegations both of her father's sexual abuse of Arianna and violence against her mother.

Walls, for example, refused to allow consideration of Adan's arrest and conviction for domestic violence in Elizabeth because copies of the documents offered were not properly authenticated.

Garth, the 3rd Circuit's senior appellate judge, cited 12 instances of evidence kept out of the trial record by Walls that should have been permitted.

Barry hammered away at the DYFS report which, until yesterday, was sealed.

Pointing her finger at Lesnevich and, at times, raising her voice, the usually cordial Barry demanded to know whether he had any reason disbelieve it.

When Lesnevich said he did not know how to answer, Barry called a halt to the argument — itself an unusual step — and arranged to have the report instantly unsealed.

Peter Alvino, a deputy attorney general representing DYFS, was in the court and agreed.

With the report open, Barry went through it point by point and wanted to know whether Lesnevich had any reason to dispute its descriptions of the impact of the case and possible deportation on Arianna. The lawyer said he did not.

The state — through DYFS — became a party to the case on the child's side after it was reported here that the agency failed to evaluate charges of abuse against Ariel, although it did investigate Ariel's charges against Arianna's mother and cleared Mazza.

Kevin Ryan, then commissioner of the Department of Children and Families, ordered the report and apologized to Mazza.

The state then joined as a party on her side.

The New Jersey Office of the Child Advocate also joined the case on Mazza's side, as did a national coalition, including the National Center on Domestic and Sexual Violence, the Battered Women's Justice Project, the New Jersey Coalition for Battered Women, and the Seton Hall Law School Center for Social Justice.

Federal courts have jurisdiction because the cases derive from an international treaty — the Hague Convention — established to prevent international child abductions.

"I am so happy — I cannot believe this is finally over," said Mazza, who works in a school for the disabled.

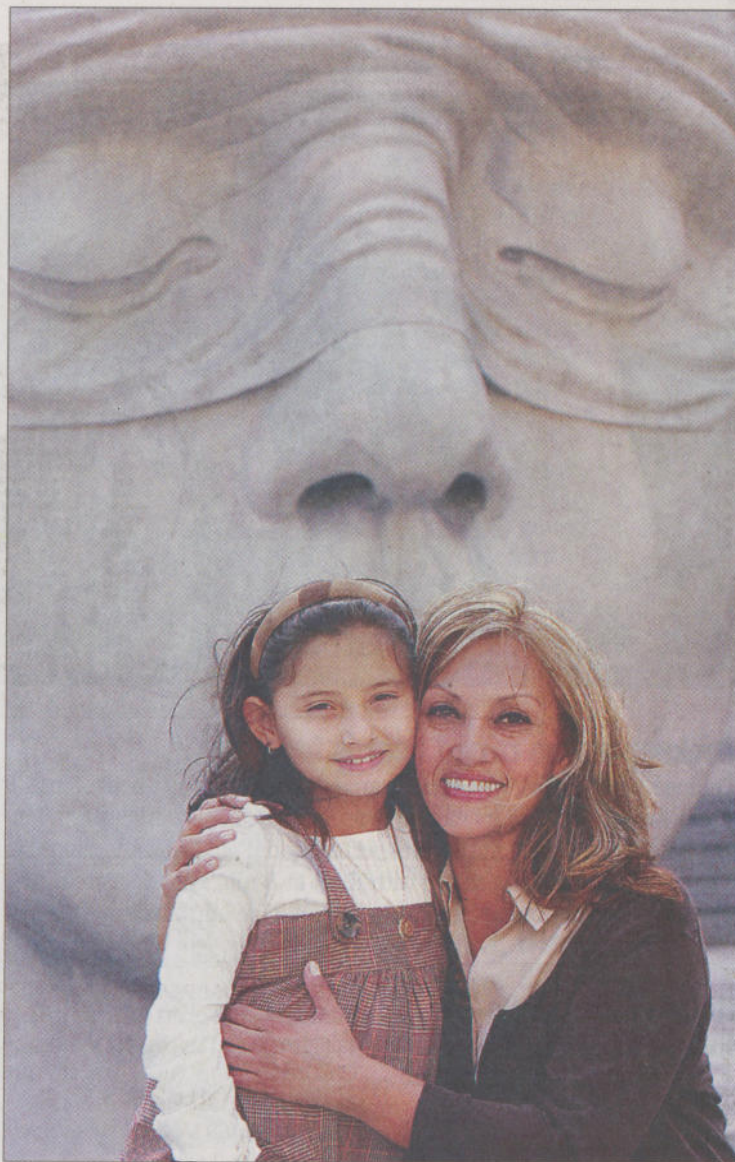
Arianna, who was brought to the courthouse but not inside the courtroom, said she was "happy" she would not have to go to Argentina.

On the appeal, Mazza was represented for free by lawyers from the New Jersey office of Patton Boggs, a Washington-based law firm.

She had, however, piled up more than \$100,000 in legal fees from the first two trials, handled by a different lawyer.

"This was an unexpected but fantastic end to the case," said Jason Rockwell of Patton Boggs, who argued the case yesterday.

The decision came at a difficult



JOE EPSTEIN/THE STAR-LEDGER

Elena Mazza holds Arianna in front of the statue of Justice outside the courthouse. "This was an unexpected but fantastic end to the case," said Jason Rockwell of Patton Boggs, who argued the case yesterday.

time for Mazza. After she left the courthouse, she traveled to New York to tell her father, Alcibar Avans, the outcome. He is at Columbia Presbyterian Hospital suffering from advanced lymphoma.

"This will make him very happy," she said.

Bob Braun may be reached at (973) 392-4281 or rbraun@starledger.com.