

# Lesbian ex-lover blocks mother and son from coming home

Barbara McMahon

After two decades living in New York, Circe Hamilton was on the point of returning home to England. She hoped that her six-year-old adopted son would thrive in a British school and benefit from being near his grandmother and uncle.

A removals company had already been to the family's Greenwich Village apartment and had packed up their belongings.

Two days before the two were due to fly home, Ms Hamilton, 44, a British citizen, was summoned to appear in court because her former partner was suing for shared legal custody of the child.

Kelly Gunn, 52, a wealthy businesswoman, claimed that she should be recognised as the boy's second parent, even though she and Ms Hamilton had broken up as a couple 20 months before the adoption was finalised. Ms Gunn, who had become the child's godmother, had built a strong bond with the boy, she claimed. The assertions have been rejected by Ms Hamilton.

While the case is being heard, however, her son's British and US passports are being held by the court and Ms Hamilton's plans for a new life are in tatters.

"I have been blindsided by this and have already amassed six figures in legal fees, cannot work or travel or take

up my son's British school place," she said. The legal dispute between the two women follows a landmark decision in August in the New York State Court of Appeals that reversed a 25-year-old precedent barring non-biological and non-adoptive individuals from claiming parental rights.

An individual without adoptive or biological ties could be deemed a parent where certain criteria had been met, the ruling said, "where a petitioner proves by clear and convincing evidence that he or she has agreed with the biological parent of the child to conceive and raise the child as co-parents, the petitioner has presented sufficient evidence to achieve standing to seek custody and visitation of the child".

The ruling took into consideration "increasingly varied familial relationships", particularly those of same-sex couples.

Ms Hamilton and Ms Gunn had a relationship between 2004 to 2009. The two women intended to adopt but eventually Ms Gunn told her partner she did not want to be a mother and she did not want to adopt, according to testimony and documents produced in court.

When the pair parted ways, Ms Hamilton proceeded with the adoption on her own.

In 2011 Ms Hamilton adopted her son in Ethiopia and has since brought up the boy as a single mother in Manhat-



Circe Hamilton was due to return to Britain to send her six-year-old adopted son to school until her former partner Kelly Gunn, left, sued for shared legal custody

tan. She has claimed to have several witnesses who can confirm that she is the sole parent to the boy and has been entirely responsible for his upbringing.

In court she produced documents listing her as the only parent at her son's school and she is also listed as the sole parent with her son's doctors.

Referring to her former partner, Ms

Hamilton said: "She has never been his parent, and my son does not know her as his parent. At such a formative time in a child's life, how could anyone seek to change his history?"

Ms Hamilton described Ms Gunn as having been a trusted friend and one of a core group of people she relied on when she became a single mother,

because her own family lived in Britain. "I feel deeply sad that someone I trusted could turn against me and try to manipulate this situation," she said.

Nancy Chemtob, Ms Gunn's lawyer, said that her client had always been fully supportive of the adoption. "They decided to adopt a child together but it was illegal in Ethiopia for a gay couple to adopt a child so Circe filled out all the paperwork," she said.

She added that her client had always planned to co-adopt the child. "Circe relegated her to the godmother role and Kelly acquiesced because she was so bonded to the child, and he to her, that she would have accepted any title just so that she could spend time with him," she said.

Gretchen Beall Schumann, Ms Hamilton's lawyer, said that the ruling in the Court of Appeals was narrow and that the facts were distinct from Ms Hamilton's circumstances.

"The essence of the Court of Appeals case is to prevent the termination of a parent-child relationship which has existed with the consent of the legal parent, not to impose a parent-child relationship where none exists," Ms Schumann said.

"To do so would have far-reaching implications to parents everywhere, especially single parents, who often rely on a network of individuals for help — this network might include friends, extended family members and significant others."

The US Court of Appeals ruling also appears to drift against present trends in English law.

Julian Lipson, a family law expert at the law firm Withersworldwide in London, said that in the UK "the rights of legal and biological parents take precedence over those of others and it is always the welfare of the child that the court is directed to consider as its primary consideration — and not the wishes, or perceived rights, of other people."

Ms Hamilton said that Ms Gunn was trying to rewrite history. "Having to justify myself as a single parent is a terrifying place to be and I wish it on no other individual," she said. "I am depending on the kindness of friends and family to get myself and my son through this difficult time."

The case, which has so far been in the State Supreme Court in Manhattan for 15 days before Justice Frank P Nervo, is expected to last for at least another two weeks.

## Fake Sheikh jailed for 15 months as victims could sue for £800m

John Simpson Crime Correspondent

The undercover reporter known as the Fake Sheikh has been jailed for tampering with evidence in the trial of an X Factor judge who was accused of supplying cocaine.

Mazher Mahmood, 53, was said to be "a very frightened man" as he was sentenced to 15 months in prison for conspiracy to pervert the course of justice.

This month Mahmood was convicted of conspiring to alter his driver's police witness statement to remove a paragraph that would have helped Tulisa Contostavlos, the singer and former talent-show judge, after a sting in which she allegedly arranged for cocaine to be delivered by a friend.

News UK, publishers of *The Sun on Sunday* for which Mahmood worked, said that he had been sacked.

Mahmood posed as a Bollywood film producer and "party animal" offering Ms Contostavlos a £3.5 million role alongside Leonardo DiCaprio and repeatedly asked her to help him buy cocaine. The case against the singer was dismissed.

The self-proclaimed "king of sting", famed for posing as a wealthy Arab sheikh in stings on celebrities and sports personalities, is now facing civil claims that could run to hundreds of millions of pounds and his lawyer said that he would never work again.

Mahmood and his driver, Alan Smith, 67, were convicted after a two-



Mazher Mahmood will never work again, his lawyer told the court

week trial at the Old Bailey. Smith was jailed for 12 months for his "misguided loyalty" to Mahmood, the court heard.

As he was jailed, someone in the public gallery shouted "your turn now Mazher" to the journalist, who claims to have helped in the convictions of 100 criminals.

In mitigation John Kelsey-Fry, QC, said that his client stood before the court a "very frightened man". Mr Kel-

sey-Fry said: "By reason of the verdict of the jury that career is over. He has brought catastrophe upon himself and a lifetime's work will be for ever tarnished."

Judge Gerald Gordon said: "You wanted another scalp and Miss Contostavlos's conviction would have achieved that. And to achieve that, when you saw a problem, you were prepared for the court to be deceived."

A total of 18 civil claims are being launched against Mahmood, which could total £800 million.

The Crown Prosecution Service has dropped several live cases and reviewed 25 convictions, of which six have been taken up by the Criminal Cases Review Commission.

Outside court some of Mahmood's alleged victims called on parliament to "cleanse this stain on our democracy once and for all". John Alford, who starred in *London's Burning* and whose case is being taken up by the commission, said that "finally a judge and a jury... has woken up to Mazher Mahmood's lies". In 1999 Mr Alford was convicted of supplying drugs to Mahmood.

## Gay sex party killer cooked and ate PC's leg, court told

Fariha Karim

An alleged killer may have roasted and eaten parts of a police officer he invited round to his flat for a drug-fuelled sex party, a court heard yesterday.

Stefano Brizzi, 50, is alleged to have strangled Gordon Semple, 59, a Metropolitan police constable, at his flat in southeast London after meeting him on the gay dating app Grindr.

The Old Bailey has been told that after killing Mr Semple, Brizzi tried to dispose of the body by placing parts of it in bin bags and dumping them in the Thames, in public bins and trying to dissolve parts in an acid bath in a manner similar to a plot line in the television drama *Breaking Bad*, which he was said to have been obsessed with.

The Italian sadomasochist, a heavy user of crystal meth which cost him his job at Morgan Stanley, was asked by police where any remaining body parts might be.

He allegedly replied: "Hah, good question. I think there was a foot. I think there might be a hand. If you look at what's left over at home... I think there's a foot and a hand... I believe

there was a leg, yes, definitely there was a leg which I had tried to roast as well."

When police searched his flat, they discovered a pair of bloodstained chopsticks on the draining board with Mr Semple's DNA on them, the jury was told.

A pathologist also found a fragment of the chest wall. On one of the ribs the pathologist noticed "semi circular indentations such as to raise the possibility of their having been caused by a human bite mark," Crispin Aylett, QC, for the prosecution, said.

Police officers searching the flat also discovered "a pool of fat and grease" inside the oven, the court heard. "This was found to contain a DNA profile that matched that of Gordon Semple," Mr Aylett added.

Brizzi denies a charge of murdering Mr Semple on April 1, claiming that the officer, who had been on duty, died during a sex game that went wrong.

He has admitted to one charge of obstructing a coroner in the suspicious death of Mr Semple by dismembering the body in order to dispose of it.

The trial continues.