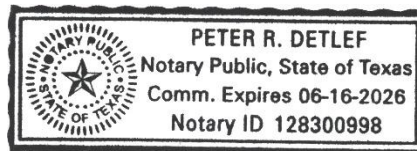



AFFIDAVIT OF TRANSLATION OF SARAH HUDSON

I, SARAH HUDSON, MAKE OATH AND SAY AS FOLLOWS:

1. I am a sworn professional translator. I am fluent in the SPANISH AND ENGLISH languages and competent to translate from one to the other.
2. I have prepared a translation from SPANISH INTO ENGLISH, which is attached hereto. The attached document is to the best of my professional knowledge and belief a complete, true, accurate and faithful translation of the document described as:
FINAL JUDGMENT ISSUED - CUSTODY AND CHILD SUPPORT TERMS DECREED - JOSEPH RAYMOND FRANCIS against ABBEY LAUREN WILSON
3. I have not translated this document for a family member, friend, or business associate.
4. I make this affidavit to confirm translation and for no other or improper purpose.

SWORN BEFORE ME at the
City of Addison, in the
State of Texas in the country
of the United States of America
this April 11, 2023





NOTARY PUBLIC



TRANSLATOR

[Seal] UNITED MEXICAN STATES.

COUNCIL OF THE JUDICIARY

JUDICIARY OF THE STATE OF JALISCO

**A FINAL JUDGMENT HAS BEEN ISSUED
FINAL CUSTODY AND CHILD SUPPORT TERMS ARE DECREED.**

ZAPOPAN, JALISCO, APRIL 6, 2023 TWO-THOUSAND TWENTY-THREE.

For entering a FINAL DECISION on the record issued by this Twelfth Court in Family Matters of the First Judicial District, in a SUMMARY CIVIL lawsuit, filed by **JOSEPH RAYMOND FRANCIS**, against **ABBEY LAUREN WILSON**, under file number **144/2021 Volume I, II and III**, of the index of this Court and;

STATEMENT OF FACTS:

1 . - According to a brief filed before the Clerk of this Twelfth Court in Family Matters in and for the First Judicial District of the State of Jalisco, on the 12th (twelfth) day of February of the year 2021 (two-thousand twenty-one), there appeared, on his own behalf, to settle this **SUMMARY CIVIL LAWSUIT**, Mr. **JOSEPH RAYMOND FRANCIS**, in his capacity as Plaintiff, against Mrs. **ABBEY LAUREN WILSON**. This is a custody trial involving two minors, **ATHENA OLIVIA AND ALEXANDRIA CLAIRE**, who bear the surnames: **FRANCIS WILSON**. The defendant must refrain from disturbing the plaintiff in all matters involving custody and expenses related to their underage daughters, whose names are: **ATHENA OLIVIA FRANCIS WILSON and ALEXANDRIA CLAIRE FRANCIS WILSON**; they were both born on October 07 (seventh), 2014 (two-thousand fourteen) and are currently underage. The convenient facts of the case were pointed out by the plaintiff, and the evidence was provided. The plaintiff based his claim on the articles that he considered applicable and concluded with the petitioning part.

2 .- In a writ dated February 12 (twelfth), 2021 (two-thousand twenty-one), the children **ATHENA OLIVIA FRANCIS WILSON and ALEXANDRIA CLAIRE FRANCIS WILSON** (born on October 07 (seventh) of the year 2014 (two thousand-fourteen) are declared to be minors. **PROVISIONAL CUSTODY** is granted to the plaintiff, Mr. **JOSEPH RAYMOND FRANCIS**. An **order** was issued preventing the underage girls from leaving the jurisdiction of the State of Jalisco. The means contemplated by law will be used for the

enforcement of criminal determinations and actions. An official letter was ordered to be sent to the Ministry of Foreign Affairs and to the Attorney General of the State, and the parties involved were summoned. Finally, the corresponding notice was given to the Agent of the Attorney General's Office for the Protection of Children and Adolescents, in terms of Sections 68, first and fourth paragraphs, of the Code of Civil Procedures of the State. By means of a writ dated March 24 (twenty-fourth), 2021 (two-thousand twenty-one) **the plaintiff JOSEPH RAYMOND FRANCIS** extended the claim terms for the following benefits: A) To establish a provisional and final child support in benefit of his daughters, and B) The payment of court costs and expenses. On March 25 (twenty-fifth) of the year 2021 (two-thousand twenty-one), these requests were admitted and provisional child support was established in favor of both minors. It was determined that **ABBEY LAUREN WILSON** would pay **\$186,000.00 (one-hundred eighty-six thousand pesos 00/100 national currency)** on a monthly basis. As a precautionary measure, the securing of the bank account 10562445 of the Institution called KIRKPATRICK BANK, which belongs to the defendant, was ordered, and on March 31, 2021, (two thousand and twenty-one), a **SUMMONS** and subpoena was issued to the defendant **ABBEY LAUREN WILSON**.

2. On May 18 (eighteen) of the year 2021 (two-thousand twenty-one), the plaintiff Mr. **JOSEPH RAYMOND FRANCIS** requested UNDER PENALTY OF PERJURY, that the defendant be summoned, since he knew, from the documents, that she removed his daughters from home, without his consent. He requested the **RETURN** of both girls, since he is the one who has **custody and guardianship rights**. He requested copies in order to file the corresponding complaint. Date: May 19 (nineteenth), 2021 (two-thousand twenty-one). The return of the children **ATHENA OLIVIA FRANCIS WILSON and ALEXANDRIA CLAIRE FRANCIS WILSON** was ordered. It was further ordered that the diligence be carried out by means of a letter rogatory with the competent judge in Puerto Vallarta, Jalisco; and as a precautionary measure, it was ordered that the defendant may not change her place of residence.

3 .- Defendant **ABBEY LAUREN WILSON** answered in writing on June 04 (fourth), 2021 (two-thousand twenty-one), and immediately requested the precautionary measures deemed pertinent, as well as the restitution of her fundamental rights and the rights of her daughters. She also requested that the measures decreed in relation to the girls **ATHENA OLIVIA AND ALEXANDRIA CLAIRE FRANCIS WILSON** be revoked and lifted outright. According to the procedure dated June 04 (fourth) of the year 2021 (two-thousand twenty-one), allegations were made against the plaintiff. The defendant exhibited evidence in relation to a criminal proceeding against the plaintiff. Therefore, **PROVISIONAL CUSTODY** of the children **ATHENA OLIVIA and ALEXANDRIA CLAIRE FRANCIS WILSON** was granted to the mother **ABBEY LAUREN WILSON**. A protection order was granted, and the

RESTITUTION of the minors was ordered. The children returned on June 08 (eighth), 2021 (two thousand twenty-one).

4 .- According to the brief filed before the Clerk of this Court on June 25 (twenty-fifth) of the year 2021 (two thousand twenty-one), **JUAN CARLOS MORENO BAEZA**, in his capacity as Agent of the Attorney General's Office for the Protection of Children and Adolescents, filed a **motion for the nullity of the proceedings due to the illegality of the summons**, on **March 31 (thirty-first), 2021 (two thousand twenty-one)**. This motion was admitted by order dated July 02 (second), 2021 (two-thousand and twenty-one). A notice was forwarded to **JOSEPH RAYMOND FRANCIS**, so that within a period of three (03) days he could legally proceed with the adequate actions. In an order dated August 23 (twenty-third) of the year 2021 (two-thousand twenty-one), the plaintiff, **JOSEPH RAYMOND FRANCIS**, was informed of the incident, through his attorney **ALBERTO ADAIR MARTINEZ ORTIZ**. The incidence procedure was answered, and the corresponding legal allegations were formulated, according to the judgment. The incidence was ruled as inadmissible on October 01st (first), 2021 (two-thousand twenty-one).

5 .- On July 06 (sixth), 2021 (two-thousand twenty-one), the **ELEVENTH DISTRICT COURT IN ADMINISTRATIVE, CIVIL AND LABOR MATTERS FOR THE STATE OF JALISCO**, regarding the incident of suspension and Amparo Proceeding number **1010/2021**, filed by **JOSEPH RAYMOND FRANCIS**, against the acts stated by this Authority, by virtue of an order dated June 04 (fourth) of 2021 (two-thousand twenty-one), accepted the counterclaim on November 24 (twenty-fourth), 2021 (two-thousand twenty-one). The defendant did not appear to bring her children to the children's hearing. On November 30 (thirtieth) of the year 2021 (two-thousand twenty-one), the **ELEVENTH DISTRICT COURT IN ADMINISTRATIVE, CIVIL AND LABOR MATTERS FOR THE STATE OF JALISCO**, heard the incident of suspension and Amparo Proceeding number **2190/2021**, filed by **ABBEY LAUREN WILSON**, against the acts of this Authority, and scheduled an interlocutory appeal on October 01st (first), 2021 (two-thousand twenty-one), according to the letter dated March 21 (twenty-first), 2021 (two-thousand twenty-one). On December 13 (thirteenth), 2021 (two-thousand twenty-one), the **VISITATION AND PROVISIONAL COHABITATION REGIME** between the minors **ATHENA OLIVIA AND ALEXANDRIA CLAIRE FRANCIS WILSON**, and their father **JOSEPH RAYMOND FRANCIS** was MODIFIED, since visitation and cohabitation are rights bestowed to children, not parents, for the benefit of their development, dignity and respect for their rights are strengthened, in accordance with the best interests of the child. A regime of SUPERVISED VISITS was decreed, from Monday to Friday and Saturdays, with the intervention of a

Psychology expert, implying that both girls shall return to the mother's house afterwards. The mother and father of **ATHENA OLIVIA AND ALEXANDRIA CLAIRE FRANCIS WILSON** shall refrain from acts that promote forgetfulness, rejection, resentment, hatred, contempt or fear of the other parent. The children have the right to spend equal time with both parents. In the event of not continuing with a proactive attitude that facilitates the solution of the present conflict, **custody will be modified** in terms of articles 561 and 562 of the Civil Code of the State of Jalisco. Taking into account that the files and statements provided by the defendant **ABBEY LAUREN WILSON** do not demonstrate any criminal acts in aggravation of her minor daughters, the Court finds no impediments whatsoever for the cohabitation regime proposed, according to the Agent for the Protection of Children and Adolescents attached to this Court.

5. .- On January 12 (twelfth) of the year 2022 (two-thousand twenty-two), the **ELEVENTH DISTRICT COURT IN ADMINISTRATIVE, CIVIL AND LABOR MATTERS FOR THE STATE OF JALISCO** issued the following decision regarding the suspension and Amparo proceedings number 2190/2021, filed by **ABBEY LAUREN WILSON**: provisional and final suspension was granted against the challenged acts, and the proceeding could continue until a decision is made, within the present order, pursuant to the best interests of the girls and to protect their emotional stability and guarantee their effective participation, as well as respecting the fundamental rights enshrined in our Constitution, in compliance with the International Convention on the Rights of the Child. The defendant **ABBEY LAUREN WILSON** was **ORDERED** to allow the relationship of her daughters and their father, under the terms of the order dated December 13 (thirteenth), 2021 (two-thousand twenty-one). According to the letter of January 03 (third), 2022 (two-thousand twenty-two), it was stipulated that **IF SHE DID NOT DO SO, THE CHANGE OF PROVISIONAL CUSTODY WOULD BE DECREED**. According to what was settled in the order of June 04 (fourth), 2021 (two-thousand twenty-one), **the cohabitation is an obligation of the parents and a fundamental right of their children**. In the present case, it was pointed out that cohabitation is a fundamental institution of family law in Mexico and its purpose is to regulate, promote, evaluate, preserve and, if necessary, improve or redirect the cohabitation in the family group, especially with respect to minors when their parents separate, especially since it is a right that the girls have, to have moments of cohabitation that allow the healthy development of the children, in a healthy environment and in this way strengthen the **father-children bonds** that unite them.

6 .- By means of an order dated February 4 (fourth), 2022, (two-thousand twenty-two), the defendant **ABBEY LAUREN WILSON** stated that it is impossible for her to comply with the cohabitation regime proposed, since she states in pages 623 and 625 (six-hundred

twenty-three and six-hundred twenty-five), Volume II, **that she lives in Guadalajara and that her daughters during the last months have their usual environment in the city of Guadalajara, and therefore requests the designation of a specific location in Guadalajara**, for she does not have sufficient economic means to transport her daughters to Puerto Vallarta as ordered in the proceedings, since the girls have online lessons daily. It must be taken into account that they attend school activities such as rest, food and recreation. In view of the manifestations of the Agent of the Office of the Attorney General for Children and Adolescents that a personnel of Puerto Vallarta be designated for the delivery and reception of the minors in Puerto Vallarta, it was indicated to them that the COHABITATION with their father JOSEPH RAYMOND FRANCIS be carried out for the time being by ELECTRONIC MEANS on Mondays, Tuesdays, Wednesdays and Sundays. A personnel of the Office of the Attorney General for Children and Adolescents shall be designated as the host until a domicile is established. At no time will the supervised cohabitation decreed in the proceedings be modified, for which reason it must be carried out in any of the modalities, informing the Consul of the United States of America in Guadalajara, Jalisco by means of a letter sent to him. On February 24 (twenty-fourth), 2022 (two thousand twenty-two), the **ELEVENTH DISTRICT COURT IN ADMINISTRATIVE, CIVIL AND LABOR MATTERS FOR THE STATE OF JALISCO**, by incident and amparo proceeding 321/2022 filed by **ABBEY LAUREN WILSON**, granted the provisional suspension. In order to comply with this decision, it was ordered to move forward with the cohabitation regime decreed in the order of February 04 (fourth), 2022 (two thousand twenty-two). On February 25 (twenty-fifth), 2022 (two thousand twenty-two), the Agent of the Attorney General's Office for Children and Adolescents, provided elements to carry out the cohabitation decreed in the case file. **ABBEY LAUREN WILSON** was warned again to schedule the cohabitation regime to be held in the following 08 eight weeks after she is informed of this resolution. It was also determined that it is necessary to appoint an expert translator in compliance with the provisional suspension granted in the aforementioned custody proceeding. According to the order dated January 12 (twelfth), she was urged to contribute to the cohabitation regime under the above premise. However, there is no certainty that the residence is in Puerto Vallarta, and it was pointed out that the defendant resides in Guadalajara, which is the one who has the custody of the minors.

7 .- On March 09 (ninth), 2022 (two-thousand twenty-two), the counsel for the defendant **ABBEY LAUREN WILSON** informed that the defendant's residence is: **apartment 2801 (two-thousand eight-hundred and one) of the "The Landmark Guadalajara" tower, located at Avenida Patria Numero 88 (one-hundred eighty-eight) [sic.] in Zapopan, Jalisco.** In order to comply with the requirement of the order dated February 21 (twenty-first) of the year 2022 (two-thousand twenty-two) the **ELEVENTH DISTRICT COURT IN ADMINISTRATIVE, CIVIL AND LABOR MATTERS, on April 05**

(fifth) of the year 2022 (two-thousand twenty-two), regarding amparo proceeding number 321/2022 filed by ABBEY LAUREN WILSON, dismissed the plaintiff's appeal. However, the defendant **ABBEY LAUREN WILSON continues to remain silent regarding the scheduling of the cohabitation regime decreed in the case file; notwithstanding the fact that she has been duly notified about this. She is constantly opposed to the above-mentioned cohabitation ruling and to the enforcement of the visitation regime involving her daughters ATHENA OLIVIA AND ALEXANDRIA CLAIRE FRANCIS WILSON and their father JOSEPH RAYMOND FRANCIS. This is a right of these children, which is above the interests of the parents. Therefore, it is hereby agreed to set the SUPERVISED COHABITATION AGREEMENT, which shall take place every Thursday, Friday and Saturday from 11:00 a.m. to 1:00 p.m. Once the parties have been notified, an official letter should be sent to the DIRECTOR OF THE ZAPOPAN MUNICIPAL COHABITATION CENTER in JALISCO.** The Agent of the Attorney General's Office for the Protection of Children and Adolescents **was instructed to supervise and oversee the exercise of the CUSTODY AND COHABITATION RIGHTS** of his clients, since he must periodically monitor that the rights of these minors are respected, reporting every 15th and 30th day of each month the results of the visits and providing the address of the minors. The parties were notified of this resolution as can be seen on pages 919 (nine-hundred nineteen), 920 (nine-hundred twenty), 921 (nine-hundred twenty-one) and 923 (nine hundred twenty-three) of Volume III.

8 .- By order dated April 22 (twenty-second), 2022 (two thousand twenty-two), **ABBEY LAUREN WILSON** was asked to fully prove the school schedule of her minor daughters. The Defendant seeks to restrict the relationship of her daughters with the father and thus deteriorate their affective bonding. A date was also set for the hearing and the Agent of the Attorney General's Office for the Protection of Children and Adolescents was summoned. He went to the address provided by the defendant and stated that the house was uninhabited, so it was ordered that the parties be given a report on this. The parties were notified as can be seen in pages 967 (nine-hundred and sixty seven) to 970 (nine-hundred and seventy) of Volume II. According to the order dated May 24 (twenty-fourth) of the year 2022 (two-thousand twenty-two), a communication was received from the Cohabitation Center of Zapopan, in addition to the fact that the attorney for the plaintiff stated that the minors were taken by their mother from the national territory and transferred to the City of Oklahoma in the United States of America. It was also informed that, as discussed with the group of lawyers hired by **JOSEPH RAYMOND FRANCIS** in that country, according to the plaintiff, it is impossible for a judge in that country to order the repatriation of the children **ATHENA OLIVIA and ALEXANDRIA CLAIRE FRANCIS WILSON**, to the United Mexican States if the plaintiff does not have the right to live with the children freely and

unsupervised. In this sense, as it is evident from the proceedings, on February 12 (twelfth), 2021 (two-thousand twenty-one), this Court decreed as a precautionary measure in terms of Article 249 of the Code of Civil Procedures of the State of Jalisco, **the prohibition for the defendant ABBEY LAUREN WILSON to transfer or take her daughters ATHENA OLIVIA AND ALEXANDRIA CLAIRE FRANCIS WILSON out of the State of Jalisco, Mexico; a precautionary measure that to date has not been revoked and is still in force.** This measure must be complied with and, in the event that the children have indeed been abducted from the country, the defendant's conduct cannot be rewarded and, even less so, the right of the children to live with their father cannot be limited in any way. Hence, there is also a need to modify the cohabitation regime in the terms previously stated; this with the purpose of establishing equity between the parties and not undermining the right of the plaintiff **JOSEPH RAYMOND FRANCIS** to exercise the legal actions he deems pertinent before the Courts of the United States of America. However, the defendant cannot unilaterally decide where she will live with her daughters since the girls are under the parental authority of their father **JOSEPH RAYMOND FRANCIS**. The change of address made unilaterally by the defendant during the course of a lawsuit in which the visitation and parent-child cohabitation regime is being settled is not justified, making the exercise of this right difficult or null and void. **It is considered that the right of the children to be visited and to spend time with their father was restricted**, therefore, **ABBEY LAUREN WILSON IS REQUIRED TO IMMEDIATELY AND IN A TERM NOT TO EXCEED FIVE (05) DAYS, REINCORPORATE THE MINORS TO THE STATE OF JALISCO, MEXICO, TO APPEAR BEFORE THIS COURT IN THE COMPANY OF HER DAUGHTERS ATHENA OLIVIA AND ALEXANDRIA CLAIRE FRANCIS WILSON AND TO PROVE IN A RELIABLE MANNER THAT SHE WAS LIVING IN THE STATE OF JALISCO IN THE COMPANY OF HER DAUGHTERS WITH THE MEANS OF PROOF THAT SHE DEEMS PERTINENT.** Failure to do so will result in imprisonment for 36 thirty-six hours, regardless of the fact that more severe measures will be taken in order to overcome her recalcitrance. All this without prejudice to the criminal sanctions that may be applied for not complying with the present order of surrender of minors. She will be notified of this at her address for service; notification visible on page 1013 (one-thousand thirteen) of volume II.

9 .- By order dated May 31 (thirty-first), 2022 (two-thousand twenty-two), the **ELEVENTH DISTRICT COURT IN ADMINISTRATIVE, CIVIL AND LABOR MATTERS**, on the amparo proceeding and motion 321/2022 filed by **ABBEY LAUREN WILSON**, required complete and legible certified copies of the totality of the proceedings and a USB unit, without the latter being referred to her. On June 2 (second), 2022 (two-thousand twenty-two), the Court received an official letter from the **ELEVENTH DISTRICT COURT IN ADMINISTRATIVE, CIVIL AND LABOR MATTERS** about the custody lawsuit and motion 1069/2022 filed by **ABBEY LAUREN WILSON**, whereby such action was challenged and

the provisional suspension of the measures was decreed, according to the resolution dated April 22 (twenty-second), 2022 (two thousand twenty two). Therefore, on July 11 (eleventh) of the year 2022 (two thousand twenty two), an incident on the reinstatement of the USB device is opened and the defendant was informed that the **ELEVENTH DISTRICT COURT IN ADMINISTRATIVE, CIVIL AND LABOR MATTERS**, on the amparo proceeding and motion 321/2022 promoted by **ABBEY LAUREN WILSON**, denied the definitive suspension. According to the order dated August 18 (eighteenth), 2022 (two-thousand twenty-two), the defendant filed an appeal for revocation of the order dated May 24 (twenty-fourth), 2022 (two-thousand twenty-two), which was not admitted by the Court. The decision was declared final and binding, and a date was set for the hearing of evidence and arguments. Therefore, on September 09 (ninth), 2022 (two-thousand twenty-two), the amparo proceeding 321/2022 filed by **ABBEY LAUREN WILSON** was dismissed. On October 06 (sixth), 2022 (two-thousand twenty-two), certified copies were requested from the Agent of the Attorney General's Office for the Protection of Children and Adolescents for the State. Likewise, the **ELEVENTH DISTRICT COURT IN ADMINISTRATIVE, CIVIL AND LABOR MATTERS** informed that, as part of the amparo proceeding 1010/2021 filed by **ABBEY LAUREN WILSON**, the appeal for review was dismissed and filed. Likewise, by order dated October 20 (twentieth), 2022 (two-thousand twenty-two), it has been informed by the **ELEVENTH DISTRICT COURT IN ADMINISTRATIVE, CIVIL AND LABOR MATTERS** that amparo proceeding 2190/2021, filed by **ABBEY LAUREN WILSON**, was dismissed. It was not possible to hold the hearing on November 07 (seventh), 2022 (two thousand twenty-two). The supervening evidence was admitted and given to the Court, in addition to the fact that copies of the file were requested within the amparo proceeding 1069/2022 in order to demonstrate if the cohabitation regime decreed in the order dated April 05 (fifth), 2022 (two thousand twenty-two) still subsisted.

10 .- On November 11 (eleventh), 2022 (two-thousand twenty-two), the hearing of evidence and arguments was held, which was deferred and an official notice was received whereby the final suspension was granted, as part of amparo proceeding 2190/2021. The proceeding continued without the issuance of the final judgment. On November 28 (twenty-eighth), 2022 (two-thousand twenty-two), regarding the supervening evidence of the hearing of November 07 (seventh), 2022 (two thousand twenty-two), **JOSEPH RAYMOND FRANCIS** adjusted the controversy of the present summary judgment in accordance with Article 161 section IX of the Code of Civil Procedures for the State of Jalisco. Defendant **ABBEY LAUREN WILSON** did not raise a plea of lack of jurisdiction when it entered an appearance in the proceeding. A Letter Rogatory was sent in order to make it known that this Jurisdictional Body is not in a position to suspend the cohabitation regime decreed in accordance with Article 133 of the Political Constitution of the United Mexican States. The motion to reinstate the USB was declared admissible by interlocutory judgment dated

December 06 (sixth) 2022 (two thousand twenty-two). On January 09 (ninth), 2023 (two thousand twenty-three), an official notice was received as part of amparo proceeding 2190/2021, informing that the dismissal was executed and the USB device was returned by virtue of the acquittal decreed in amparo proceeding 321/2022. Justice was served for the children within amparo proceeding 1069/2022.

11 .- On March 29 (twenty-ninth), 2023 (two-thousand twenty-three) it was ordered to open arguments to the parties and to summon to judgment. The Court was informed of the admission of the appeal for review number 82/2023 within the proceedings of the amparo proceeding 1069/2022. Since the time has come for the Court to issue a ruling on this matter, it does so under the grounds hereinafter described:

LEGAL GROUNDS:

I.- LEGAL STATUS of the parties. As evidenced in the case file, pursuant to Articles 40 and 41 of the Code of Civil Procedures of the State, plaintiff Mr. **JOSEPH RAYMOND FRANCIS**, an American citizen residing in the territory which is under the jurisdiction of this First Judicial District for the State of Jalisco comes to the family trial, on his own behalf, since he is of legal age, and in representation of his minor daughters **ATHENA OLIVIA AND ALEXANDRIA CLAIRE FRANCIS WILSON**. He is presumed to be of sound mind. The defendant **ABBEY LAUREN WILSON**, a U.S. citizen, domiciled in the territory which is under the jurisdiction of this First Judicial District of the State of Jalisco; appeared in her own right and advised by attorneys SALVADOR VILLA CURIEL, holder of professional license 939870 and VIVIANA RIVADENEYRA SANCHEZ holder of professional license 3775935, both issued by the Secretariat of Public Education. She is of legal age and presumed to be of sound mind. And given that the rights of U.S. individuals were involved in the present proceeding, the report was given to the Consul of the United States of America in Guadalajara, Jalisco; the representative of the Office of Services to U.S. citizens, Mr. Eric Knight, in response to the request that he himself made to this authority, in a brief filed on January 17 (seventeenth), 2022 (two-thousand twenty-two); a copy of this report has been added to the case file, as it appears on page 666 (six-hundred sixty-six) of volume II. However, regarding the nationality of the parties involved in the present trial, the Judge agrees with the criterion visible under record number 2024576, which indicates the following:

RIGHT TO CONSULAR ASSISTANCE IN CIVIL MATTERS. A FOREIGN PERSON MAY FREELY EXERCISE THEIR RIGHTS BEFORE THE CONSULATE, WITHOUT THERE BEING ANY OBLIGATION FOR THE JUDGE

TO PUT THEM IN CONTACT (ARTICLE 36, SECTION 1, PARAGRAPH A, AND 5, PARAGRAPH E, OF THE VIENNA CONVENTION ON CONSULAR RELATIONS). Facts: A foreign person filed an amparo proceeding claiming that in the original civil action in which she was a co-defendant, the judge did not recognize her right to consular notification, contact and assistance, in the manner established in the Vienna Convention on Consular Relations for cases of arrest, detention or preventive imprisonment. The competent Circuit Court of Appeals denied the amparo requested, this resolution was appealed on review.

Legal Criterion: The First Chamber of the Supreme Court of Justice of the Nation considers consular assistance as a fundamental right that must be respected to every foreign person; thus, in criminal matters it has recognized it as the right to consular notification, contact and assistance, established in Article 36, Section 1, Paragraph b), of the Vienna Convention on Consular Relations, in the terms of which the authorities of the receiving State are obliged to inform the detained foreign person of the rights that the aforementioned Convention recognizes. However, in civil matters, when the judge notices that the defendant is a foreigner, he is not obliged to ask them if they wish to contact the Consulate of their country and, if so, to notify the latter. This is because, being involved in a jurisdictional proceeding in which they were not deprived of their freedom, the foreigner is in a position to contact consular officials by themselves and meet with them in order to request their assistance.

Justification: Article 36, Section 1, Paragraph a), of the Vienna Convention on Consular Relations, establishes the right to free communication between consular officers and the nationals of the sending State; and the Subsection 5, Paragraph e), of the same Convention, provides among the consular functions that of rendering aid and assistance to the nationals of the sending State. Thus, any foreign person involved in a civil matter, when free, has the possibility of directly requesting the consular assistance he/she requires.

Direct Amparo Proceeding under Review 5876/2019. Renata Lopez Masiarova or Renáta Mäsiarova. November 18, 2020. Five votes of Ministers Norma Lucia Piña Hernandez and Ana Margarita Rios Farjat, and Ministers Jorge Mario Pardo Rebolledo, Alfredo Gutierrez Ortiz Mena and Juan Luis Gonzalez Alcantara Carranca. Speaker: Minister Jorge Mario Pardo Rebolledo. Secretary: Claudia Lissette Montañó Mendoza.

II.- THE COMPETENCE of this Twelfth Family Court of the First Judicial District, to hear and resolve this matter in Final Judgment, in accordance with the provisions of Article 161, section IX, of the Civil Procedure Law of the State, which reads as follows:

IX. In matters relating to parental authority, guardianship and custody, visitation and cohabitation of minors or incapacitated persons, the judge of the residence of such...

Under the importance that the defendant **ABBEY LAUREN WILSON** when appearing in the proceeding did not oppose the exception of incompetence, she tacitly submitted to the competence of this Court and she did not argue or present any type of proof that prior to the presentation of the initial writ of complaint by the plaintiff on February 12, 2021 two thousand twenty-one any type of trial related to the custody of the minors **ATHENA OLIVIA AND ALEXANDRIA CLAIRE both with the surnames FRANCIS WILSON** was being heard before a different Court, pursuant to the provisions of Article 158 section II of the Code of Civil Procedures of the State, which reads as follows:

II.- The defendant by answering the claim or counterclaiming the debtor....

In such legal assumptions, it is clear that this Court is competent to hear the situation of the minors named **ATHENA OLIVIA and ALEXANDRIA CLAIRE, both surnamed FRANCIS WILSON**, (both with date of birth October 7, 2014, two thousand fourteen) given that, as it was already specified in matters of jurisdiction regarding matters related to parental authority, guardianship and custody, visits and cohabitation of children and adolescents, it corresponds to the judge of the residence of such children and adolescents. And the plaintiff, JOSEPH RAYMOND FRANCIS, in the point 8 of the initial writ of claim, stated that 15 fifteen days after December 19, 2020 two thousand twenty, they decided to settle in the city of Guadalajara, Jalisco; in the property marked with the number 5608 five thousand six hundred eight of Pedro Simón Laplace street, interior B 103 one hundred three, of the Arboledas de Zapopan neighborhood, Jalisco; so that his statement, granted the territorial competence to this Court.

Furthermore, the defendant **ABBEY LAUREN WILSON** reiterated that the jurisdiction is in favor of this Family Court competent in the First Judicial District of the State of Jalisco; since she confessed, in writing on page 623 six hundred and twenty-three of volume II of the present summary, the following:

"...c).-The undersigned lives in Guadalajara since the moment I got a place to live according to my possibilities in view of the impending expiration of a lease contract signed

by the plaintiff last year and which is attached in the proceedings because the plaintiff has not covered his alimony obligation for years. The expiration of the referred lease contract occurred on October 2021 two thousand twenty-one, therefore there is no abrupt change of place of residence and I did not lie about the statements previously made in this trial".

Therefore, given that the ascendants of the children ATHENA OLIVIA and ALEXANDRIA CLAIRE, surnamed FRANCIS WILSON, contestants in this trial, as plaintiff the paternal ascendant and defendant the maternal ascendant, affirmed to have their residence within the municipalities of the metropolitan zone, it is that the competence in favor of this Court is established, in terms of number 161, section IX of the Code of Civil Procedures of the State of Jalisco. To date, the jurisdiction of this Court has not been declined in favor of a different judicial authority.

III.- THE SUMMARY CIVIL PROCEDURE is the appropriate one, according to Article 618 section VI of the Code of Civil Procedures of the state.

IV.- LEGAL STANDING. This procedural requirement was justified in terms of the legal precept 81 of the Civil Substantive Legislation in force, with the birth certificates of the minors **ATHENA OLMA AND ALEXANDRIA CLAIRE both with the surnames FRANCIS WILSON**, and their father **JOSEPH RAYMOND FRANCIS**, (both with date of birth October 07 seven of the year 2014 two thousand fourteen) which are attached to pages 16 sixteen and 17 seventeen of the summary, proving the paternal and maternal filial bonds with the contenders, which is granted full evidentiary value in terms of the provisions of the numbers 424 of the Civil Code of the State, as well as 329, 399 and 400 of the Adjective Civil Law of the State of Jalisco; as well as 40 of the Law of the Civil Registry of the State of Jalisco.

V.- INTERVENTION OF THE AGENTS OF THE SOCIAL PROSECUTOR'S OFFICE AND THE CHILDREN'S AND ADOLESCENTS' ATTORNEY'S OFFICE OF THE ASSIGNMENT: **By virtue that within** the present proceeding the rights of the minors **ATHENA OLIVIA AND ALEXANDRIA CLAIRE both with surnames FRANCIS WILSON**, and their progenitor **JOSEPH RAYMOND FRANCIS**, (both with date of birth 07 seven of October of the year 2014 two thousand fourteen) who at the moment has 08 eight years of age were found immersed, therefore, in accordance with paragraphs 68 third and fourth, the intervention was given to aforementioned Prosecutor's Office, as coadjutant representative, who declared themselves aware of the present proceeding and appeared therein. -

VI.- OF THE LAWSUIT. The plaintiff **JOSEPH RAYMOND FRANCIS**, appeared suing in his own right and on behalf of his minor daughters **ATHENA OLIVIA and ALEXANDRIA CLAIRE, both surnamed FRANCIS WILSON**, and their father **JOSEPH RAYMOND**

FRANCIS, to **Mrs. ABBEY LAUREN WILSON**, to whom he claims the judicial declaration of provisional and definitive custody and guardianship in his favor of his minor daughters, that the defendant refrain from disturbing him in the custody of his minor daughters, expenses and costs, as well as the setting of a provisional and definitive alimony in favor of his daughters; explaining in general terms in the points of background, those that are derived from the initial writ of claim and whose transcription is omitted in obvious of unnecessary repetitions and in application of the Jurisprudence 129. Located in the Novena Época. Judicial Weekly Journal of the Federation and its Gazette. Vol. VII, April 1998. Thesis: VI.2o. J/129. Page: 599, which literally states:

"CONCEPTS OF VIOLATION. THE JUDGE IS NOT OBLIGED TO TRANSCRIBE THEM. The fact that the Federal Judge does not transcribe in his decision the concepts of violation expressed in the complaint, does not imply that he has violated provisions of the Amparo Law, to which his actions are subject, since there is no precept that establishes the obligation to conduct such transcription; furthermore, such omission does not leave the plaintiff in a state of defenselessness, since he is not deprived of the opportunity to appeal the resolution and allege what he deems pertinent to demonstrate, if applicable, the legality of the same."

In order to prove the facts constituting its action, the plaintiff offered the following evidence:

PUBLIC DOCUMENTARY EVIDENCE:

- The respective birth certificate of **ATHENEA OLIVIA FRANCIS WILSON**, under certificate number 3124 three thousand one hundred twenty-four, of book 16 sixteen, with date of birth on October 7, 2014 two thousand fourteen, issued by the Civil Registry Officer number 01 one of Puerto Vallarta, Jalisco; from which it can be inferred that she is the minor daughter of Joseph Raymond Francis and Abbey Lauren Wilson.
- The respective birth certificate of **ALEXANDRIA CLAIRE FRANCIS FRANCIS WILSON**, under certificate number 3125 three thousand one hundred twenty-five, of book 16 sixteen, with date of birth on October 7, 2014 two thousand fourteen, issued by the Civil Registry Officer number 01 one of Puerto Vallarta, Jalisco; from which it can be inferred that she is the minor daughter of Joseph Raymond Francis and Abbey Lauren Wilson.

- The respective certified copy of the birth certificate of **JOSEPH RAYMOND FRANCIS** before Notary Public number 08 eight of Guadalajara, Jalisco Carlos Enrique (SIC) Zuloaga.

The above public documents that given their characteristics deserve the value of full proof in terms of the provisions of Articles 329 section V and 399 of the Civil Procedure of the State, from which it is evident the birth of the minor daughters **ATHENA OLIVIA AND ALEXANDRIA CLAIRE both with surnames FRANCIS WILSON**, and their father **JOSEPH RAYMOND FRANCIS**, (both with date of birth October 07 seven of the year 2014 two thousand fourteen) who at the moment are 08 eight years old, and who are daughters of the parties in this proceeding.

With simple copies of the following identifications:

Photo ID issued by the Instituto Nacional de Migración No.: 0000000389277 IN FAVOR OF Joseph Raymond Francis.

Photo ID issued by the Instituto Nacional de Migración, No.: 0000001076378 in favor of Abbey Lauren Wilson.

Passport number G324499303 issued by the Ministry of Foreign Affairs in favor of the minor Athena Olivia Francis Wilson.

Passport number G324499302 issued by the Ministry of Foreign Affairs in favor of the minor Alexandria Claire Francis Wilson.

Photocopies that in accordance with the numeral 298 fraction VII and 381 of the State Civil Procedure, have full probative value.

CONFESSIOAL EVIDENCE. - Consisting in the confession made by the defendant **ABBEY LAUREN WILSON**, which was heard on November 11 eleventh, 2022 two thousand and twenty two, she was declared as confessed for not appearing at the hearing despite being duly notified for such effect, in which in accordance with article 25 twenty-five of the American Convention on Human Rights, it was made in the presence of the auxiliary expert OSCAR FLORES GONZALEZ.

*Consequently, we proceed to the examination of the **CONFESSIOAL** evidence offered by the plaintiff in charge of **ABBEY LAUREN WILSON**, to that effect it is attested*

that the envelope exhibited is closed and sealed, opened, it is noted **that** it has **33 thirty-three positions, of** which those that are **APPROVED in their totality**, for having relation with the facts of the lawsuit, in accordance with the provisions of paragraphs 312 and 313 of the Code of Civil Procedures of the State.

"..The absence of **ABBEY LAUREN WILSON**, notwithstanding the fact that she was duly notified, is hereby noted, however, in accordance with Article 25 of the American Convention on Human Rights, the auxiliary expert OSCAR FLORES GONZÁLEZ is hereby **REQUIRED** to proceed with the translation of the positions, so as not to violate her right to effective access to justice, and not to disregard her own status as a foreign person, in accordance with the expert who, at this moment, has his own computer and proceeds to carry out his task, and once finished, he mentions that the translation of the document is the following:

POSITIONS THAT NEED TO BE ACCEPTED BY ABBEY LAUREN WILSON, THE CONFESSIONAL PROVE OFFERED UNDER HER CHARGE.

THAT SHE CAN MANIFEST THAT THE FOLLOWING FACTS ARE TRUE:

1. **TO SAY THAT SHE ACTUALLY LIVED WITH MR. JOSEPH RAYMOND FRANCIS.**
2. **THAT YOU HAD A LOVE RELATIONSHIP FOR OVER 7 YEARS WITH MR. JOSEPH RAYMOND FRANCIS.**
3. **THAT YOU CHOSE TO LIVE WITH MR. JOSEPH RAYMOND FRANCIS AT THE ADDRESS LOCATED AS PASEO DE LA MARINA SUR NUMBER 197 VILLA 1, IN THE CITY OF PUERTO VALLARTA.**
4. **THAT YOU ARE MOTHER OF ATHENA OLIVIA AND ALEXANDRIA CLAIRE SURNAME FRANCIS WILSON.**
5. **THAT YOUR DAUGHTERS ATHENA OLIVIA AND ALEXANDRIA CLAIRE SURNAME FRANCIS WILSON ARE BOTH UNDERAGE.**
6. **THAT YOUR DAUGHTERS ATHENA OLIVIA AND ALEXANDRIA CLAIRE SURNAME FRANCIS WILSON ARE BOTH BY BIRTH MEXICAN.**
7. **THAT THEY BIRTH, ATHENA OLIVIA AND ALEXANDRIA CLAIRE SURNAME FRANCIS WILSON WAS REGISTERED IN PUERTO VALLARTA.**
8. **THAT YOU TOOK YOUR DAUGHTERS ATHENA OLIVIA AND ALEXANDRIA CLAIRE SURNAME FRANCIS WILSON TO OBTAIN THEIR MEXICAN PASSPORTS.**
9. **THAT YOU GAVE THE POWER TO MR JOSEPH RAYMOND FRANCIS.**
10. **THAT YOU HELD THE CUSTODY OF THE MINORS TO MR. JOSEPH RAYMOND FRANCIS. THAT YOU USED TO LIVE INDEFINITELY WITH MR JOSEPH RAYMOND**

FRANCIS AND YOUR DAUGHTERS AT THE ADDRESS LOCATED ON CARRETERA PUNTA DE MITA KILOMETRO 18.2 LOTE 14, FRACCIONAMIENTO LOS RANCHOS PUNTA DE MITA, BAHIA DE BANDERA, NAYARIT.

11. THAT YOU ALLOWED MR JOSEPH RAYMOND FRANCIS TO BE THE GUARDIAN AND HAVE THE SUPERVISION OF THE MINORS.

12. THAT YOU USED TO TAKE CARE OF THE MINORS OF SHORT PERIODS OF TIME.

13. THAT MR JOSEPH RAYMOND FRANCIS WOULD HIRE BABYSITTERS TO TAKE CARE OF THE MINORS.

14. THAT YOU ARE ADDICTED TO DRUGS.

15. THAT THE MOTIVE OF YOUR SEPARATION WITH MR JOSEPH RAYMOND FRANCIS IS YOUR USE OF DRUGS.

16. THAT YOU HAVE USED DRUGS IN FRONT OF THE KIDS.

17. THAT YOU ARE SICK OF DRUG ADDICTION.

18. DUE TO YOUR ADDICTIONS YOU HANDLED THE POWER TO MR JOSEPH RAYMOND FRANCIS OF YOUR MINOR DAUGHTERS.

19. THAT AT THE TIME YOU CONSUME DRUGS YOU ARE NEGLECTED WITH YOUR DAUGHTERS.

20. THAT UNDER THE USE OF DRUGS YOU BECOME AGGRESSIVE AND VIOLENT.

21. THAT YOU THREATENED MR JOSEPH RAYMOND FRANCIS TO TAKE THE MINORS OUT OF THE COUNTRY.

21. THAT YOU REQUESTED MONEY TO MR JOSEPH RAYMOND FRANCIS TO SEE HIS OWN DAUGHTERS.

22. THAT ON AUGUST 1ST 2020, YOU ABANDONED THE ADDRESS LOCATED ON CARRETERA PUNTA DE MITA KILOMETRO 18.2 LOTE 14, FRACCIONAMIENTO LOS RANCHOS PUNTA DE MITA, BAHIA DE BANDERA, NAYARIT.

23. THAT ON AUGUST 1ST 2020, YOU TOOK THE MINORS FROM THE ADDRESS LOCATED ON CARRETERA PUNTA DE MITA KILOMETRO 18.2 LOTE 14, FRACCIONAMIENTO LOS RANCHOS PUNTA DE MITA, BAHIA DE BANDERA, NAYARIT.

24. THAT ON AUGUST 7TH 2020 YOU REQUESTED THE PASSPORTS FOR THE MINORS.

25. THAT YOU TOOK THE DAUGHTERS OUT OF THE COUNTRY WITHOUT THE CONSENT OF MR JOSEPH RAYMOND FRANCIS TO TAKE THEM TO THE USA.

26. THAT YOU RECOGNIZE THAT YOUR DAUGHTERS, THE MINORS, UP TO AUGUST 1ST 2020 WERE LIVING WITH MR JOSEPH RAYMOND FRANCIS.

27. THAT YOU RECOGNIZE THAT ON DECEMBER 19 2020 YOU GAVE THE POWER OF THE MINORS TO MR JOSEPH RAYMOND FRANCIS.

28. THAT YOU ALLOWED YOUR MINOR DAUGHTERS LIVED IN GUADALAJARA,

JALISCO.

29. THAT YOU ALLOWED MR JOSEPH RAYMOND FRANCIS TO GIVE THEM SHELTER, HOUSING, EDUCATION AND ANY KIND OF ATTENTION.

30. THAT YOU DID NOT HAVE THE POWER TO TAKE THE MINOR DAUGHTERS OUT OF THE COUNTRY.

31. THAT MR JOSEPH RAYMOND FRANCIS HAS BEEN A LOVING FATHER TO HIS MINOR DAUGHTERS.

NOTE: I RESERVE THE RIGHT TO MAKE ANY OTHER NOTES, IN CASE OF CONSIDERING IT SO I WILL HAVE TO DO IT IN ANOTHER HEARING.

(IT SHOWS A SIGNATURE)

JOSEPH RAYMOND FRANCIS.

Having done the foregoing, the defendant is warned and is considered as confessed of the positions qualified as legal, in terms of Article 323 of the Code of Civil Procedures for the State of Jalisco...".

PARTY STATEMENT. Consisting of the declaration of the defendant **ABBEY LAUREN WILSON** , which however, it is noted that the offering party was omitted to exhibit the corresponding interrogatory, therefore, a warning is issued and the right is considered lost due to the notorious lack of legal interest, sections 131, 328 bis and 328 ter of the Local Civil Procedural Regulations.

TESTIMONY. In charge of the witnesses **FRANCISCO DE LOS SANTOS HERNANDEZ** and **FREDERICK XAVIER LOPEZ UREÑA**, which were presented in the hearing of evidence and allegations on November 11, 2022 (two thousand and twenty two). They were found suitable in terms of Article 411 of the Civil Procedural Law of the State, since they coincide in substance and circumstance, when declaring that they do not depend economically on the parties and have no interest. The second witness declared to have been steward of the family of Joseph and Abbey, and **the questionnaire was formulated to them in the following terms:**

FIRST, THAT THE WITNESS STATE WHETHER HE KNOWS MR. JOSEPH RAYMOND FRANCIS.

SECOND, THAT THE WITNESS STATE WHETHER HE KNOWS MRS. ABBEY LAUREN WILSON.

THIRD, THAT THE WITNESS STATE WHETHER HE KNOWS THE CHILD ATHENA OLIVIA FRANCIS WILSON.

FOURTH, THAT THE WITNESS STATE WHETHER HE KNOWS THE CHILD ALEXANDRA CLAIRE FRANCIS WILSON.

FIFTH, THAT THE WITNESS STATE WHETHER HE KNOWS AND IS AWARE THAT JOSEPH RAYMOND FRANCIS AND ABBEY LAUREN WILSON ARE THE PARENTS OF THE MINORS ATHENA OLIVIA FRANCIS WILSON AND ALEXANDRA CLAIRE FRANCIS WILSON.

SIXTH, THAT THE WITNESS STATE WHETHER HE KNOWS AND IS AWARE OF THE BEHAVIOR OF JOSEPH RAYMOND FRANCIS TOWARDS HIS UNDERAGE DAUGHTERS.

SEVENTH, THAT THE WITNESS STATE WHETHER HE KNOWS AND IS AWARE OF THE QUALITY OF LIFE ENJOYED BY THE CHILDREN ATHENA OLIVIA FRANCIS WILSON AND ALEXANDRA CLAIRE FRANCIS WILSON IN THE COMPANY OF MR. JOSEPH RAYMOND FRANCIS.

EIGHTH, THAT THE WITNESS STATE WHETHER HE KNOWS AND IS AWARE OF THE TYPE OF EDUCATION THE CHILDREN RECEIVED IN THE COMPANY OF MR. JOSEPH RAYMOND FRANCIS.

NINTH, THAT THE WITNESS STATE WHETHER HE KNOWS AND IS AWARE OF THE TYPE OF HOUSING THE CHILDREN RECEIVED IN THE COMPANY OF JOSEPH RAYMOND FRANCIS.

TENTH: THAT THE WITNESS STATE WHETHER HE KNOWS AND IS AWARE OF THE PATERNAL FILIAL RELATIONSHIP THE CHILDREN HAD WITH MR. JOSEPH RAYMOND FRANCIS.

ELEVENTH.- THAT THE WITNESS STATE THE REASON FOR HIS STATEMENT.

Those that were approved **ARE APPROVED**, as they were carried out under the guidelines of Article 366 of the Local Code of Civil Procedure.

The first witness **FRANCISCO DE LOS SANTOS HERNANDEZ**, answered as follows:

FIRST.- YES

SECOND.- YES, I KNEW

THIRD.- YES

FOURTH.- YES

FIFTH.- YES

SIXTH.- HE BEHAVED WELL AND TOOK GOOD CARE OF THEM.

SEVENTH.- BECAUSE THEY RECEIVED GOOD ATTENTION, HE TOOK CARE OF THEM, HE NEVER TREATED THEM BADLY.

EIGHTH.- WELL, HE TOOK CARE OF THEM, HE PLAYED WITH THE GIRLS, HE TREATED THEM WELL, HE NEVER SCOLDED THEM, HE TOOK CARE OF THEM BETTER.

NINTH.- WELL, A GOOD HOME, HE NEVER DISRESPECTED THEM, I NEVER SAW THAT HE DISRESPECTED THEM.

TENTH.- GOOD

ELEVENTH.- BECAUSE I WORKED IN HIS HOUSE, I WAS A GARDENER AND AT THE SAME TIME I WAS HIS DRIVER AND I TOOK HIS DAUGHTERS TO SCHOOL.

At this time, the defendant, through its counsel, states that it wishes to cross-examine. The right is granted and they do so in the following manner:

IN RELATION TO THE OBJECTIONS.- THE WITNESS SHOULD STATE WHETHER ANYONE SUGGESTED THAT HE SHOULD ANSWER THE QUESTIONING AT THIS HEARING - APPROVED - NO, NOBODY

IN RELATION TO THE OBJECTIONS , THAT THE WITNESS STATE WHO INVITED HIM TO TESTIFY AT THIS HEARING.- APPROVED.- I CAME TO HELP, BOTH OF THEM.

IN RELATION TO THE FIRST QUESTION.-THAT IN VIRTUE of the fact that the witness states that he knows MR. JOSEPH RAYMOND FRANCIS, THAT HE STATE WHETHER HE HAS KNOWLEDGE THAT HE WAS CRIMINALLY CHARGED BY MRS. ABBEY LAUREN WILSON, IN THE VILLAGE OF BUCERIAS IN NAYARIT.- APPROVED.- I DID NOT KNOW ABOUT THAT, I DID NOT KNOW ABOUT THAT.

IN RELATION TO THE FIRST QUESTION.-THAT BY VIRTUE OF THE FACT THAT THE WITNESS STATES THAT HE KNOWS JOSEPH RAYMOND FRANCIS, STATE WHETHER HE WAS AWARE THAT SAID PERSON WAS DETAINED IN THE PRISON OF BUCERIAS, NAYARIT.- APPROVED.- NO, I NEVER KNEW THAT.

Being all that needs to be asked to the witness.

The second witness **FREDERICK XAVIER LÓPEZ UREÑA**, answered as follows:

FIRST.- YES

SECOND.- YES, OF COURSE

THIRD.- YES, ATHENA

FOURTH.- YES

FIFTH.- CORRECT

SIXTH.- IN GENERAL, HE WAS A VERY BUSY PERSON WITH HIS BUSINESS, BUT IN HIS FREE TIME, HE ATE WITH THEM, PLAYED, DID ACTIVITIES SUCH AS SWIMMING POOL, BOUNCY CASTLES AND ALL KINDS OF ACTIVITIES FOR CHILDREN.

SEVENTH.- HONESTLY, IT WAS VERY GOOD, THEY HAD ALL KINDS OF TOYS, CLOTHES, FOR THE BIG PARTY THAT THEY HAD EVERY YEAR FOR THE LITTLE GIRLS, THEY REALLY HAD EVERYTHING.

EIGHTH.- AT SCHOOL THEY HAD A BABYSITTER, THEY DID HOMEWORK, BATHED THEM AND PUT THEM TO BED, THE FATHER WAS SUPPORTIVE, ASKED THINGS NICELY, A PERSON WITH GOOD MORALS, HE TAUGHT THEM NOT TO LIE, TO ALWAYS ASK PLEASE XAVIER, ASK FOR THINGS IN A MORE FORMAL WAY.

NINTH.- THE HOUSE IS TWO HECTARES, VERY BIG, ROOMS, JACUZZI, THEY HAD A SMALL TRAMPOLINE, A PLAYGROUND FOR THEM, THEIR ROOM WAS VERY BIG, CLOSET FULL OF TOYS, PRINCESS DRESSES, BARBIES, PONIES, EVERYTHING A CHILD WOULD LIKE TO HAVE, KITCHEN SERVICE, FOR EVERYTHING THEY WANTED, LIKE CAKES.

TENTH: VERY POLITE, WHEN HE MADE A CALL, IF HE HAD TO SAY SOMETHING INAPPROPRIATE, HE WOULD MOVE AWAY SO THAT THEY WOULD NOT HEAR HIM. IT WAS FORBIDDEN TO SWEAR IN FRONT OF THE GIRLS, THE STAFF AND THEM. HE WOULD SAY XAVI GO THERE. THEY WERE BOTH VERY POLITE.

ELEVENTH.- BECAUSE I HAD BEEN WORKING FOR ABOUT 6 YEARS IN TOTAL, I TOOK CARE OF THEM, AT EVENTS, BIRTHDAYS, I GOT TO KNOW THE FAMILY WELL.

At this time, the defendant, through its counsel, states that it wishes to cross-examine. The right is granted and they do so in the following manner:

REGARDING THE OBJECTIONS.- LET THE WITNESS SAY WHO INVITED HIM TO TESTIFY AT THIS HEARING.- APPROVED.- MR. JOSEPH CALLED ME SOME TIME AGO TO SUPPORT HIM BECAUSE I WAS PRESENT AT THE GIRLS' EVENT, THEY KNOW ME AS XAVI, I KNEW HIM AND THE GIRLS VERY WELL.

REGARDING THE **OBJECTIONS:** - LET THE WITNESS STATE WHO PAID THE EXPENSES TO THIS CITY TO TESTIFY.- REJECTED.- THE WITNESS ANSWERED THAT HE WAS NOT FINANCIALLY DEPENDENT ON THE PARTIES.

REGARDING THE OBJECTIONS.- THE WITNESS STATE WHETHER HE WAS ADVISED THAT HE SHOULD ANSWER THE QUESTIONING AT THIS HEARING.- REJECTED.- HE ANSWERED THAT HE DID NOT KNOW THE QUESTIONS.

IN RELATION TO THE FIRST QUESTION.- THAT BY VIRTUE OF THE FACT THAT THE WITNESS STATES THAT HE KNOWS JOSEPH RAYMOND FRANCIS, THE WITNESS STATE WHETHER HE WAS AWARE THAT SAID PERSON WAS DETAINED IN THE

PRISON OF BUCERIAS, NAYARIT, DUE TO A COMPLAINT FILED BY ABBEY LAUREN WILSON.- APPROVED.- YES, I KNEW, 4 MONTHS BEFORE I LEFT WORK I FOUND OUT THAT THERE WAS A FAMILY MATTER, AND THAT HE WAS DETAINED. I KNEW ABOUT THAT RUMOR. IF IT IS OF ANY USE I HAVE PROOF OF PAYROLL, BUT I HAVE COWORKERS WHO TOLD ME. BUT I DID KNOW.

IN RELATION TO THE FIRST QUESTION.- THAT BY VIRTUE OF THE FACT THAT THE WITNESS STATES THAT HE KNOWS JOSEPH RAYMOND FRANCIS, THE WITNESS STATE WHETHER HE WAS AWARE THAT HE HAS NOT PAID CHILD SUPPORT FOR HIS TWO DAUGHTERS ATHENEA OLIVIA AND ALEXANDRIA CLAIRE FOR MORE THAN A YEAR.- APPROVED.- I AM NOT AWARE OF THAT. WE HAVE NOT TALKED IN PERSON IN QUITE A WHILE.

Witnesses who were suitable in terms of article 411 of the Civil Procedural Law of the State, as they coincided in substance and circumstance, about knowing the disputants and their minor daughters, who indicated that the plaintiff **JOSEPH RAYMOND FRANCIS** *treated his daughters well, provided good care and played with them, did not scold or disrespect them, and that they had a good quality of life, that they had good housing, that there was a good paternal filial relationship on the part of the minors and their progenitor. They did activities such as playing with them, being in the swimming pool, bouncy castles, children's activities. They were well provided with clothes, toys, they lived in a very big house with rooms, swimming pools, jacuzzi, they had a playground, trampoline. Their room was full of toys, clothes, Barbies, ponies, whatever they wanted to play with. The father was not rude, they did not say rude things in front of the girls. They were very polite. And the witnesses know this because they knew the family and they saw what happened and even worked there.*

By means of the **CERTIFIED COPY OF PUBLIC DEED** 9523 (nine thousand five hundred twenty-three) of book 5 (five) of volume 16 (sixteen) of the Notary Public 34 (thirty-four) in charge of the NOTARY PUBLIC MARCO ANTONIO MEZA ECHEVERRIA OF BAHIA DE BANDERAS, NAYARIT, in which he performs, together with the expert translator Alberto Adair Martínez Ortiz, in relation to attesting to a fact regarding a REVIEW OF PHOTOGRAPHS in which the plaintiff, FRANCIS JOSEPH RAYMOND, appears with his minor daughters dated June 02 (second), 2021 (two thousand twenty-one), May 29 (twenty-ninth), 2021(two thousand twenty-one), 01 (first), 03 (third), 04 (fourth), 06 (sixth) and 07 (seventh) of June of 2021 (two thousand twenty-one), 01 (first) of April of 2021 two thousand twenty-one, 07 (seventh) and (sixth) of March of 2021 (two thousand twenty-one), 11 (eleventh) of February of 2021 (two thousand twenty-one). Within this same certified copy of the public deed it is also included a **CERTIFICATE OF STUDIES** with its due translation signed by the Assistant Director of the Campoverde Vallarta School dated January 10 (tenth)

of 2022 two (thousand twenty two) in which they attach records of virtual sessions of the students **FRANCIS ALEXANDRIA CLAIRE AND FRANCIS ATHENEA OLIVIA** that show that they participated in 40 (forty) sessions and missed 11 (eleven).

The above-mentioned public documents, given their characteristics, deserve full evidentiary value in terms of the provisions of articles 329 section V and 399 of the Civil Procedure of the State, and they therefore function as proof of the cohabitation in the dates certified by the Notary Public, with their minor daughters **ATHENA OLIVIA AND ALEXANDRIA CLAIRE both of surnames FRANCIS WILSON**, and their father **JOSEPH RAYMOND FRANCIS**, in the indicated dates.

LEGAL AND HUMAN PRESUMPTION.-That consisted of the presumptions in its 02 two aspects that emanated from the trial in favor of the plaintiff, which must be considered to have full evidentiary value in terms of the provisions of Articles 414 and 415 of the Civil Procedure of the State.

DOCUMENTARY EVIDENCE OF PROCEEDINGS. Relating to the judicial proceedings that make up the trial. Evidence that is granted full legal value in terms of article 402 of the Civil Procedure of the State.

VII - RESPONSE TO THE COMPLAINT.- Thus, the defendant **ABBEY LAUREN WILSON**, does not answer the complaint filed against her nor does she offer evidence. She only makes ad cautelam statements, requesting precautionary measures. Providing the following documents:

PUBLIC DOCUMENTARY EVIDENCE:

The respective birth certificate of **ATHENEA OLIVIA FRANCIS WILSON**, under certificate number 3124 three thousand one hundred twenty-four, of book 16 sixteen, with date of birth on October 7, 2014 two thousand fourteen, issued by the Civil Registry Officer number 01 one of Puerto Vallarta, Jalisco; from which it can be inferred that she is the minor daughter of Joseph Raymond Francis and Abbey Lauren Wilson.

The respective birth certificate of **ALEXANDRIA CLAIRE FRANCIS WILSON**, under certificate number 3125 three thousand one hundred twenty-five, of book 16 sixteen, with date of birth on October 7, 2014 two thousand fourteen, issued by the Civil Registry Officer number 01 one of Puerto Vallarta, Jalisco; from which it can be inferred that she is the minor daughter of Joseph Raymond Francis and Abbey Lauren Wilson.

The foregoing public documents, given their characteristics, deserve the full evidentiary value in the terms of articles 329 section V and 399 of the Civil Procedure of the State. From these documents it is deduced the birth of the minor daughters **ATHENA OLIVIA AND ALEXANDRIA CLAIRE both with surnames FRANCIS WILSON**, and that their progenitor is **JOSEPH RAYMOND FRANCIS**, both with date of birth 07 seven of October of year 2014 (two thousand fourteen), who at the moment have 08 eight years of age, who are daughters of the parts in this procedure.

A judicial agreement for child support, custody and cohabitation of ABBEY LAUREN WILSON also known as ABBEY LAUREN FRANCIS and JOSEPH RAYMOND FRANCIS addressed to the Civil Judge on duty in Puerto Vallarta, consisting of 15 pages. This document is not valid because it is not stamped by the Court, nor ratified or notarized by a Notary Public in order to be valid. No probative value is granted in accordance with article 403 of the Civil Procedure of the State.

A settlement agreement for the termination of concubinage and grant of pardon and indemnity entered into by Joseph Raymond Francis and Abbey Lauren Wilson. In this document, an inscription made by Notary Jorge Armando Bañuelos Ahumada can be seen, from which it is clear that he does not certify the authenticity, validity and legality of said document in accordance with article 128 section II and 135 of the Notary Law of the State of Nayarit.

07 seven simple copies without folio from which we can see some journalistic pieces related to the plaintiff.

23 twenty-three color impressions of the face and hand of a woman, with corresponding copies, in which injuries can be seen, but no date can be observed.

Photocopies that in accordance with the numeral 298 fraction VII and 381 of the State Civil Procedure, have full probative value.

01 an application for a protective order from Abbey Wilson against Joseph Ramon Frances dated April 26 twenty-six, 2022 (two thousand twenty-two), from the District Court of the State of Oklahoma, in the English language and duly translated.

01 file of copies dated June 3, 2021 (two thousand twenty-one) duly translated by the expert translator authorized by the General Council of the Judiciary consisting of 27 twenty-seven pages printed on one side of a conversation, with no further information.

01 a file of simple copies of 129 (one hundred and twenty-nine) pages of the factual report NAY/RV-CJM/RH/2713/2020 signed by the Public Prosecutor's Agent assigned to Unit One of Investigation of the Women's Justice Center of Bahía de Banderas, Nayarit, Nallely Berenice Mejia Aguilar

Photocopies that, in accordance with the numeral 298 fraction VII and 381 of the State Civil Procedure, have full evidentiary value, without it being evident whether they are judicialized.

01 a file with acknowledgement of receipt dated September 6, 2021 (two thousand twenty-one) regarding the filing of a lawsuit of amparo 1010/2021, with an acknowledgement of request for copies. The aforementioned public documents which, given their characteristics, deserve full evidentiary value in terms of the provisions of Articles 329 section V and 399 of the Civil Procedure of the State.

01 file of conversations duly translated by the authorized translator Ivette González Landeros, without showing dates or telephone numbers, which cannot be granted evidentiary value.

The defendant made a series of statements to the effect that there are antecedents for domestic violence and physical and verbal aggressions, as well as for abuse and prostitution of a company in the United States of America, without providing documents or a sentence in which the plaintiff was found guilty. It's worth pointing out that the allegations of violence and the protective measures are not an obstacle for the plaintiff to represent a danger to the children, since there is no record that he has been criminally punished for domestic violence against his minor daughters. It is important to determine that people enjoy the principle of presumption of innocence both procedurally and out of court, which implies that he should be treated as innocent until there is a firm sentence that determines his guilt. The following case law criteria are applicable:

PRESUMPTION OF INNOCENCE AS A RULE OF TREATMENT IN ITS OUT-OF-COURT ASPECT. ITS CONTENT AND CHARACTERISTICS.

In the opinion of this First Chamber of the Supreme Court of Justice of the Nation, the fundamental right to the presumption of innocence as a rule of treatment, in its out-of-court aspect, must be understood as the right to receive the consideration and treatment of not having committed or not having participated in criminal or similar acts, and therefore determines the right not to have the consequences or legal effects attached to criminal or similar acts applied. It is also necessary to point out that the violation of this aspect of the presumption of innocence can emanate from any agent of the State, especially the police

authorities. Given the importance of a criminal accusation, the Constitution grants the accused a series of fundamental rights in order to guarantee that a fair trial is carried out against him. However, these rights are of no use when the authorities in charge of investigating the crime carry out various actions aimed at publicly exposing someone as responsible for the criminal act. In the face of these actions, there is an enormous risk of condemning the accused before his time, since the center of gravity that corresponds to the process as such, can be displaced to the public accusation made by the police...".

PRESUMPTION OF INNOCENCE AS A STANDARD OF PROOF. CONDITIONS TO CONSIDER THAT THERE IS SUFFICIENT EVIDENCE TO DISPROVE IT.

In order to be able to consider that there is sufficient evidence of the prosecution's case to undermine the presumption of innocence, the judge must ascertain that the prosecution's evidence disproves the hypothesis of innocence actually alleged by the defense at trial and, at the same time, in the event that such evidence exists, it must be ruled out that the exculpatory or counter-indicting evidence gives rise to a reasonable doubt about the hypothesis of guilt supported by the prosecution...".

VIII.- NORMATIVE FRAMEWORK Taking into consideration that the matter to be resolved revolves around the recognition, protection, promotion and efficiency of the fundamental right of the minor girls **ATHENA OLIVIA and ALEXANDRIA CLAIRE, both surnamed FRANCIS WILSON**, to develop in a healthy family environment, with an active and nurturing participation of the parents in their upbringing, notwithstanding the fact that the ascendants do not live together, In addition to the fact that it was impossible for them to settle their differences in a self-compositive process, leading to the promotion of a judicial proceeding, the above by virtue of the heterocomposition as a way to solve the conflict, it is now the jurisdictional organ who must settle the conflict.

In effect, if by virtue of the opening of the judicial procedure the procedural conduct adopted by the parties, shows, as already mentioned, the impossibility for them to settle the conflict, it is the judicial authority who must resolve it, but always giving priority to the best interests of the children, which is mentioned both in domestic legislation and in international instruments, but which has been more clearly defined by the Inter-American Court of Human Rights in its advisory opinion 17/2002, where, when referring to the best interests of the child, it defines it as follows:

"It is for this reason that efforts have been made to specify its meaning. In this sense, the best interest of the child can be defined as a mandate to the State to privilege certain rights of children in conflictive situations in which individual rights

or collective interests must be restricted or limited. Thus, it has a specific normative content that implies that certain rights of children are of a "higher interest" when set against other individual rights and collective interests".

The foregoing makes it clear that the subject matter of this trial does not imply resolving only on who will have the definitive custody of the minors **ATHENA OLIVIA and ALEXANDRIA CLAIRE both with the surnames FRANCIS WILSON**, when as in the specific case the parents do not live together. This trial must also privilege the superior right of the children even over the fundamental rights of the parents, and when making the decision a plurality of legal dispositions must be applied, not only constitutional and of local law, but also of international instruments that safeguard the rights of the children and which are referred to below in terms of their content.

For a normative hierarchy of the provisions that regulate the rights of children and that of course become valid and applicable to the case being resolved, it should be specified that Articles 1 and 4 of the **Federal Constitution** provide as follows:

***Article 1.** In the United Mexican States all persons shall enjoy the human rights recognized in this Constitution and in the international treaties to which the Mexican State is a party, as well as the guarantees for their protection, the exercise of which may not be restricted or suspended, except in the cases and under the conditions established in this Constitution.*

The norms relating to human rights shall be interpreted in accordance with this Constitution and with international treaties on the subject, favoring at all times the broadest protection for individuals.

All authorities, within the scope of their competencies, have the obligation to promote, respect, protect and guarantee human rights in accordance with the principles of universality, interdependence, indivisibility and progressiveness. Consequently, the State shall prevent, investigate, punish and redress human rights violations, in the terms established by law.....

***Article 4....** In all decisions and actions of the State, the principle of the best interest of children shall be ensured and complied with, fully guaranteeing their rights. Children have the right to the satisfaction of their needs for food, health, education and healthy recreation for their integral development. This principle should guide the design, implementation, monitoring and evaluation of policies aimed at children.*

Ascendants, guardians and custodians have the obligation to preserve and demand compliance with these rights and principles.

The State shall grant power to private individuals to help in the fulfillment of children's rights

On its part, the **Convention on the Rights of the Child** in its articles 1, 3, 8, 9 point 3, establishes the following:

Article 1.- *For the purposes of this Convention, a child means every human being below eighteen years of age, unless under the law applicable to the child, majority is attained earlier.*

Article 3.- *In all actions concerning children, whether taken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.*

States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other persons responsible for him or her before the law, and to this end shall take appropriate legislative and administrative measures.

Article 8.- *States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name, and family relations in accordance with the law without unlawful interference.*

Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection with a view to speedily re-establishing his or her identity.

Article 9 point 3.- *States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.*

Articles 567, 568, 569, 570 and 572 of the **Civil Code of the Entity** establish the following:

Article 567. *Children and adolescents should receive special attention, care and recognition.*

Children are persons under twelve years of age, and adolescents are persons between twelve years of age and less than eighteen years of age.

Article 568. *Children and adolescents shall enjoy the rights recognized by the Political Constitution of the United Mexican States, the International Treaties to which Mexico is a party, the Political Constitution of the State, the general and state legislation on the Rights of Children and Adolescents, this code and all those provisions that address the best interests of children.*

Article 569. *None of the provisions set forth in this code should be interpreted in a restrictive manner with respect to the rights and best interests of children, but rather the rules applicable to children and adolescents shall be understood to be aimed primarily at providing them with the care and assistance they require to achieve full growth and development within an environment of family and social well-being.*

In all cases, the judicial and administrative authority shall consider the best interests of the child.

Article 570. *The best interest of the child shall be understood as the set of actions and processes aimed at guaranteeing children and adolescents' child support and a dignified life in order to achieve the maximum possible wellbeing.*

When a determination is to be made regarding the best interests of a minor, his or her opinion shall be heard and considered and shall be assessed in accordance with his or her age and maturity.

Article 572. *When the parents do not agree on the custody and guardianship of their children, the Judge of the case shall consider what is most convenient for the child or adolescent and shall attend to the following order of preferences:*

- I. With their parents;*
- II. When both parents do not live together, either of them will exercise the guardianship and custody, as long as they have the disposition and the effective possibility of their guardianship and custody, in addition to not having a conduct harmful to the physical or psychological health of the child or adolescent;*

III. *Repealed*

IV. *When neither of the parents has custody of the child or adolescent, this may be entrusted, by the Judge, to the ascendants, relatives within the fourth degree or persons with whom they are linked by virtue of deep friendship or affection born and sanctioned by religious acts or respected by custom, as long as they comply with the requirements of disposition and affective availability of custody, as well as good manners;*

V. *In cohabitation within foster families, through personal custody authorized by the Office of the Attorney General for the Protection of Children and Adolescents; as long as they comply with the requirements of willingness and affective availability of custody, as well as good manners; and*

VI. *In social assistance centers or shelters through institutional custody; the judge must make sure that the environment is suitable for the child or adolescent.*

In all cases, the Office of the Attorney General for the Protection of Children and Adolescents must make sure that the persons who will have custody of the child or adolescent are suitable and that they comply with the requirements of the general and state legislation on the Rights of Children and Adolescents.

Children and adolescents deprived of the assistance of their parents or guardians must enjoy special protection by the State.

Articles 1, 2, 4, 5, 7, 8, 10, 11, 12, 13, 16, 17, 18 and 72 section IX of the **Law on the Rights of Children and Adolescents in the State of Jalisco** establish the following:

Article 1. This Law is of public order, social interest and of general observance in the State of Jalisco and its application corresponds within the scope of its competence to the agencies and entities of the Executive Branch of the State and of the Municipal Governments, as well as to the autonomous constitutional agencies.

Article 2. The purpose of this Law is:

I. *To recognize children and adolescents as persons with rights, in accordance with the principles and terms set forth in the international treaties to which the Mexican State is a party, the Political Constitution of the United Mexican States, the Political Constitution of the State of Jalisco and the General Law;*

II. *To recognize children and adolescents as holders of rights and to promote, guarantee and protect the full exercise and enjoyment of human rights, in*

accordance with their age, evolutionary and cognitive development and maturity, considering the rights and obligations of those exercising parental authority, guardianship and custody, under the principles of universality, interdependence, indivisibility, progressiveness and the best interest of the child;

III. To regulate the actions of the authorities in the respect, protection, promotion and exercise of the rights of children and adolescents;

IV. To establish the bases, guidelines, guiding principles and criteria that will orient the design, implementation and evaluation of the state policy regarding the respect, protection, promotion and exercise of the rights of children and adolescents;

V. To regulate the bases of the State System and the Municipal System for the Protection of the Rights of Children and Adolescents;

VI. To establish the powers, attributions, competencies and bases for coordination between the public powers, state and municipal authorities and the autonomous state agencies, with the Federation, within the scope of their respective competencies, in accordance with the provisions of the General Law; and

VII. Promote and establish the basis for the participation of the private, social and academic sectors in government policies, actions and programs aimed at guaranteeing the respect, protection, promotion and exercise of the rights of children and adolescents.

Article 4. In the application of the provisions contained in this Law, the general principles protected by the Mexican legal system shall be applied, giving priority at all times to the best interests of the child and the guiding principles of this Law.

When different Interpretations are presented, the one that most effectively satisfies the guiding principle of the best interests of the child shall be chosen.

The General Law, the Civil Code, the Civil Procedures Code, the Social Assistance Code and the Organic Law of Public Defender-Social Representative's Office, all ordinances of the State of Jalisco, shall be supplementary to this Law.

Article 7. The following shall be guiding principles in the observance, interpretation and application of this Law, in addition to those contained in Article 6 of the General Law:

I. The anti-discrimination approach;

II. Family unity;

III. The cross-cutting nature of legislation, public policies, administrative,

economic and cultural activities;

IV. Priority attention;

V. Protection; and

VI. Parenting.

Article 8. The rights of children and adolescents:

I. To life, survival, development and the highest possible integral wellbeing;

II. To be a priority;

III. To their identity;

IV. To develop in a healthy family environment and family unity;

V. To substantive equality;

VI. Not to be discriminated against;

VII. To live in conditions of well-being and to a healthy integral development;

VIII. To a life free of violence and to personal integrity;

IX. To health protection and social security;

X. To inclusion in case of disability;

XI. To education;

XII. To play, rest and leisure;

XIII. To freedom of ethical convictions, thought, conscience, religion and culture;

XIV. To freedom of expression and access to information; to speak their minds and be listened to attentively by their parents;

XV. To associate and meet with others;

XVI. To participate, be listened to by the authorities;

XVII. To privacy;

XVIII. To legal certainty and due process;

XIX. Regarding their rights in case of being migrants;

XX. To have access to information and communication technologies, as well as to broadcasting and telecommunications services, including broadband and internet;

XXI. To be adopted, in accordance with the provisions of civil legislation;

XXII. To visits and cohabitare with their parents, except in specific cases when restricted or limited by judicial authority, under the terms of the corresponding legislation;

XXIII. To be raised, and to receive good treatment and consideration from their parents or persons from whom they receive custody and guardianship;

XXIV. To child support;

XXV. To protection and social assistance when they are in conditions of vulnerability;

XXVI. To the privacy of their personal data in administrative and jurisdictional proceedings;

XXVII. To a healthy and ecologically balanced environment;

XXVIII. To having their ascendants, guardians and custodians preserve and demand the fulfillment of their rights;

XXIX. To be protected against all forms of exploitation; and

XXX. To the other rights contained in the Political Constitution of the United Mexican States, in the international treaties to which the Mexican State is a party and in the applicable legal provisions.

Article 10. Children and adolescents have the right to receive, according to their age and maturity, the appropriate direction and guidance, without this justifying any limitation, violation or restriction in the exercise of their rights. No person may use any type of violence against them.

Article 11. The best interests of the child are of primary consideration by the courts, administrative authorities and the legislature.

Article 12. The authorities shall develop the necessary mechanisms to guarantee, within the scope of their competence, that the best interests of the child shall be taken into account as a priority.

Article 13. Children and adolescents have the right to be ensured priority in the exercise of all their rights, especially to be provided with protection and assistance in all circumstances and with the necessary opportunity, and to be attended to before adults in all services, under equal conditions.

The authorities should consider them in the design and implementation of public policies necessary for the protection of their rights.

Article 16. It is in the best interest of children and adolescents to develop in a healthy family environment that favors their integral development, as well as to maintain personal relations with their parents and relatives, except in the cases provided for by the corresponding laws.

The family is the ideal place for the healthy development of children and adolescents; it is the natural environment for the upbringing, understanding, communication and development of civic and moral values and the culture of equality, necessary for their integral development.

It is the obligation of the family and the community in general to provide the necessary conditions for the comprehensive development and exercise of the rights of children and adolescents, and to monitor the actions of the State in order to comply with the provisions of this Law.

Article 17. Children and adolescents have the right to live with their family, so they may not be separated from their parents, from the persons exercising parental authority, guardianship or custody, except for the reasons provided by law, through a substantiated and reasoned order issued by an authority, based on the preservation of the best interests of the child.

Article 18. The authorities shall observe the principle of family unity; and in the event that any child or adolescent is separated from his or her family of origin, efforts shall be made to reunite him or her, in accordance with the terms of the General Law and civil legislation.

Article 72. The authorities, within the scope of their competence, shall be responsible for the following obligations:

IX. Always make sure that children and adolescents live with their families;

From the above transcriptions it can be seen that, in the case of fundamental rights of the individual, the authority must guarantee, respect and protect them, but the spectrum of vision and action is broadened because it now includes the concurrence of the principles of universality, interdependence, indivisibility and progressiveness, of which it is convenient to quote their doctrinal concepts.

- The principle of Universality exists as a supracultural phenomenon not delimited by the states. The norms are projected with high influence in the internal dimensions of each nation, and radiate with a high degree of legitimacy to society and serve as a guideline of conduct in the juridical phenomena.
- The principle of Interdependence and Indivisibility establishes that all human rights, whether civil or political, including those referred to as social rights, are indivisible, interrelated and interdependent, so that the evolution of one leads to the advancement of the others.
- On the other hand, the principle of progressiveness explains the need to increase the list of human rights, according to the circumstances and conditions that the evolution of the people may require, because in the face of social progress, the guidelines for the protection of human rights must also evolve, and for this

reason every norm that protects human rights must be interpreted from an evolutionary aspect and in the manner that best protects the individual and guarantees the effectiveness of the exercise of the right.

- The Pro Homíne principle establishes that all rules regulating fundamental rights must always be interpreted and applied for the benefit of the individual, which implies that, in their interpretation, the greatest protection must be ensured, limiting any restriction or harm, even when there may be a concurrence of rules, as long as it refers to those that most favor the individual, regardless of their normative hierarchy.

The above argumentation is mentioned because, by virtue of the Constitutional reform in the matter of human rights, this imperatively leads to a reevaluation of the jurisdictional function, and of course to a change of mentality, because now the judges are in aptitude to make a progressive interpretation of the norms, including the constitutional ones, following the guideline of the principles to which reference has been made and which is the guideline that prevails in this Court, starting from the basis that in the month of June 2011, two thousand eleven, our Constituent Assembly carried out a transcendent reform to the Federal Constitution, particularly to precepts that protect human rights, the content of which has been transcribed in this recital, in which the definition and protection of the fundamental rights of the individual has been expanded, adapting it to the international normative framework, so that under the principle of conventionality or conforming interpretation, there could not be confrontation between the Federal Constitution and the international instruments that protect human rights; on the contrary, so that there would be due congruence, since on this matter the case law has established that in the protection of human rights, international treaties must be placed on a par with our Magna Carta, applying to the case the criterion that reads as follows:

CONTROL OF CONSTITUTIONALITY AND CONVENTIONALITY (CONSTITUTIONAL REFORM OF JUNE 10, 2011). *By means of an amendment published in the Official Gazette of the Federation on June 10, 2011, Article 1 of the Political Constitution of the United Mexican States was modified, redesigning the way in which the bodies of the Mexican jurisdictional system must exercise the control of constitutionality. Prior to the aforementioned reform, in accordance with the text of article 103, section I, of the Federal Constitution, it was understood that the only body empowered to exercise control of constitutionality was the Federal Judiciary, through the means established in the same precept. However, by virtue of the reformed text of Article 1 of the Constitution, another type of control is given, since it was established that all the authorities of the Mexican State have the*

obligation to respect, protect and guarantee the human rights recognized in the Constitution and in the international treaties of which the Mexican State is a party, which also includes the control of conventionality. Therefore, it is concluded that in the current Mexican legal system, national judges, both federal and common law, are empowered to issue pronouncements respecting and guaranteeing the human rights recognized by the Federal Constitution and by international treaties, with the limitation that national judges, in cases submitted for their consideration, other than the direct means of control provided for in the Constitution, may not declare unconstitutionality of general norms, since only the organs of the Federal Judiciary, acting as constitutional judges, may declare the unconstitutionality of a norm for not being in conformity with the Constitution or international treaties, while the other jurisdictional authorities of the Mexican State may only reject the application of a norm if they consider that it is not in accordance with the Federal Constitution or international human rights treaties. CONTRADICTION OF THESIS 259/2011. Among those sustained by the First and Second Collegiate Courts, both of the Thirtieth Circuit. November 30, 2011. Majority of three votes. Dissenters: Guillermo I. Ortiz Mayagoitia and José Ramón Cossío Díaz. Speaker: Jorge Mario Pardo Rebolledo. Clerk: Jesús Antonio Sepúlveda Castro. Thesis of case law 18/2012 (10a.). Approved by the First Chamber of this High Court, on January eighteenth, two thousand twelve. Note: On January 15, 2014, the Second Chamber declared unfounded the contradiction of thesis 263/2013 derived from the denunciation of the criterion contained in this thesis.

For the purposes of sustaining the decision made here, it is convenient to specify the legal framework that affects the protection of the best interests of the children **ATHENA OLIVIA** and **ALEXANDRIA CLAIRE**, both surnamed **FRANCIS WILSON**, from the evidence that integrates the trial of origin. The best interests of the minors must be privileged in all those matters where their rights are involved. In this sense, this best interest has several normative dimensions or functions:

- 1) as an interpretative guideline applicable to the norms and acts that interfere with the rights of children; and,
- 2) as a guiding legal principle, which requires maximum and comprehensive protection of the rights of minors.

This is supported by the following case law criteria:

BEST INTERESTS OF THE CHILD. THE CONCEPT.

In terms of articles 4, eighth paragraph, of the Political Constitution of the United Mexican States; 3 of the Convention on the Rights of the Child, ratified by Mexico and published in the Official Gazette of the Federation on January 25, 1991; and 3, 4, 6 and 7 of the Law for the Protection of the Rights of Children and Adolescents, the courts, in all measures taken in relation to minors, must attend primarily to the best interests of the child, a concept interpreted by the Inter-American Court of Human Rights (whose contentious jurisdiction was accepted by the Mexican State on December 16, 1998) as follows: "the expression 'best interests of the child'... implies that the development of the child and the full exercise of his or her rights must be considered as guiding criteria for the elaboration of norms and the application of these in all orders relating to the life of the child"..."

BEST INTERESTS OF THE CHILD. ITS SCOPE AND REGULATORY FUNCTIONS.

The best interest of the child implies, among other things, taking into account aspects aimed at guaranteeing and protecting their development and the full exercise of their rights, as reading criteria to elaborate norms and apply them in all aspects of the child's life, in accordance with the Political Constitution of the United Mexican States and the Convention on the Rights of the Child. Thus, it is expressly foreseen by law and is based on the dignity of the human being, on the characteristics of children, on the need to promote their development, with the full use of their potentialities; in addition, it fulfills two normative functions: (a) as a legal guarantor principle and, (b) as an interpretative guideline to solve conflicts between the rights of minors. .."

BEST INTERESTS OF THE CHILD. ITS NORMATIVE FUNCTION AS AN INTERPRETATIVE GUIDELINE TO SOLVE CONFLICTS DUE TO INCOMPATIBILITY IN THE JOINT EXERCISE OF CHILDREN'S RIGHTS.

The interest invoked has the dimension of being an interpretative guideline, applicable to resolve those contexts in which situations arise that make the joint exercise of two or more rights incompatible for the same child. In these cases, it is the best interest of the minor, used as an interpretative guideline, which allows the relativization of certain rights as opposed to those that constitute the so-called "hard core", in order to guarantee the full respect and exercise of the rights that are considered part of that core within the normative system, and thereby grant comprehensive protection to the minor..."

BEST INTERESTS OF THE CHILD. ITS NORMATIVE FUNCTION AS A PROTECTIVE LEGAL PRINCIPLE.

The function of the best interest of the minor as a protective legal principle is to become an obligation for the state authorities and thus ensure the effectiveness of the subjective rights of minors, that is to say, it implies a prescription of an imperative nature, which content is the satisfaction of all the rights of the minor in order to strengthen the paradigm of "Integral Protection". Now, from this dimension, the best interest of the minor, focused on the state duty, is fulfilled when the legal regulations expressly recognize the accumulation of rights and provide the mandate to make them effective, and once the legal assumption to achieve the function of that principle has been updated, a series of duties arise that the state authorities must attend to, among which is to analyze, case by case, whether in conflicting situations where there are other interests of third parties that do not have the rank of rights, certain rights of minors should be privileged or when the case is

about opposing these against those of other persons; the scope of the best interests of the child must be determined according to the particular circumstances of the case and may not imply the exclusion of the rights of third parties. In the same sense, this dimension entails the recognition of a "hard core of rights", i.e., those rights that do not admit any restriction and, therefore, constitute an insurmountable limit that reaches, particularly, the legislator; among these are the right to life, to nationality and identity, to freedom of thought and conscience, to health, to education, to an adequate standard of living, to engage in age-appropriate activities (recreational, cultural, etc.) and to the guarantees of criminal law and criminal procedure; furthermore, the best interests of the child as a principle of guarantee also implies the obligation to prioritize public policies aimed at guaranteeing the "hard core" of the rights. .."

In all decisions and actions of the State, the principle of the best interest of children shall be ensured and complied with, fully guaranteeing their rights. Children have the right to the satisfaction of their needs for food, health, education and healthy recreation for their integral development. This principle should guide the design, implementation, monitoring and evaluation of public policies aimed at children. Ascendants, guardians and custodians have the obligation to preserve and demand compliance with these rights and principles. The State shall grant power to private individuals so that they may contribute to the fulfillment of children's rights. [...]. General Law on the Rights of Children and Adolescents. "Article 23. Children and adolescents whose families are separated shall have the right to live together or maintain personal relations and direct contact with their relatives on a regular basis, except in cases in which the competent jurisdictional body determines that this is contrary to the best interests of the child, without prejudice to the precautionary and protective measures issued by the competent authorities in the respective proceedings, in which the right to a hearing of all parties involved, especially children and adolescents, must be guaranteed".

VIII.- ANALYSIS OF THE ACTION FOR DEFINITIVE CUSTODY AND GUARDIANSHIP. Mr. **JOSEPH RAYMOND FRANCIS** sues Mrs. **ABBEY LAUREN WILSON**, for the provisional and eventually definitive custody and guardianship of his minor daughters. To demonstrate the claims and defenses, the evidence evaluated in the preceding recitals was provided. From the analysis and legal logical linking of the same, it can be seen that the parties procreated two daughters named **ATHENA OLIVIA and ALEXANDRIA CLAIRE both with surnames FRANCIS WILSON**, (both with date of birth October 07 seven of the year 2014 two thousand fourteen), and for this reason this court addresses the study of the custody and definitive guardianship of the minors, being that this one is **appropriate** for the following reasons:

As it has been exposed in the body of this judgment, **JOSEPH RAYMOND FRANCIS and ABBEY LAUREN WILSON**, procreated the minors **ATHENA OLIVIA and ALEXANDRIA CLAIRE, both with the surname FRANCIS WILSON**, who are currently 8 years old, which means that they still require special attention, since they are limited in many aspects in order to fend for themselves, requiring their parents to satisfy the majority of their needs. This obliges the court to make up for any procedural deficiency of the parties as to the offering of evidence that would reveal a greater suitability of one of the ascendants to exercise custody, and consequently this court grants custody to the father.

Having pointed out the above, based on the considerations that have been outlined throughout this decision, it is clear that this jurisdictional body recognizes the right that in terms of article 4 of the Federal Constitution, 8 and 9 of the International Convention on the Rights of the Child, 572 of the Civil Code for the entity, 2nd sections I and II, 4th, 5th sections III, V, X, XI of the Law of the Rights of Children and Adolescents of the State of Jalisco.

Therefore, upon examination of the proceedings which of course deserve full probative value in light of Article 402 of the State Civil Procedure, it is shown that **JOSEPH RAYMOND FRANCIS** appeared, suing **ABBEY LAUREN WILSON**, for the custody that she has been exercising since birth of her daughters **ATHENA OLIVIA and ALEXANDRIA CLAIRE both with the surnames FRANCIS WILSON**. The minority of the minors is declared and the **PROVISIONAL CUSTODY is granted to JOSEPH RAYMOND FRANCIS**, mandating an **order for the minors not to leave the jurisdiction** of the State of Jalisco. The corresponding intervention was given to the Agent of the Attorney for the Protection of Children and Adolescents and to the Public Defender-Social Representative, in terms of numbers 68 Third and Fourth of the Code of Civil Procedures of the State.

By means of a writ dated March 24 twenty-fourth, 2021 two thousand twenty-one, the plaintiff **JOSEPH RAYMOND FRANCIS** broadens his claim to include the establishment of a provisional and final child support in favor of his daughters. **Provisional child support was established in favor of his minor daughters for the amount of \$186,000.00 (one hundred and eighty-six thousand pesos 00/100 national currency) on a monthly basis**, and **ABBEY LAUREN WILSON** was ordered to pay such amount. On March 31 (thirty-first) of the year 2021 (two thousand and twenty one) a diligence of summons and requirement to the defendant **ABBEY LAUREN WILSON** was carried out. The defendant was required to return the documents that she took from his home without her consent. In addition, the **RESTITUTION** of her underage daughters, whom she took from the person who had custody of them at that time, was requested. The restitution of the minors was ordered by means of a writ in Puerto Vallarta, Jalisco, and as a precautionary measure she was warned

not to change her current residence. **ABBY LAUREN WILSON** appears by means of a writ dated June 4 (fourth) , 2021 two thousand twenty-one, in order to immediately request the precautionary measures that are deemed pertinent, as well as the restitution of her fundamental rights and those of the minors, and that the decreed measures be revoked and lifted outright. With an order dated June 4, 2021, she made manifestations against the plaintiff exhibiting documents regarding criminal proceedings against the plaintiff, for which a change of **PROVISIONAL CUSTODY** of the minors **ATHENA OLIVIA and ALEXANDRIA CLAIRE, both surnamed FRANCIS WILSON**, was decreed in favor of the progenitor **ABBEY LAUREN WILSON, ORDERING THE RESTITUTION** of the minors, and granting a protection order. The children returned on June 08 (eighth), 2021 (two thousand twenty-one). On December 13 thirteenth of the year 2021 two thousand twenty-one, the provisional visitation and cohabitation regime between the minors **ATHENA OLIVIA and ALEXANDRIA CLAIRE both surnamed FRANCIS WILSON** was **MODIFIED**, since it was recalled that those who have the right to cohabit are the minors, not their parents, since it strengthens the development, dignity and respect for their rights. This resulted in the decree of a regime of **SUPERVISED COHABITATION**, from Monday to Friday and Saturdays, with a specialist in psychology, in the understanding that the return of the minors must be in person at the address of the mother. The mother and father of **ATHENA OLIVIA AND ALEXANDRIA CLAIRE FRANCIS WILSON** shall refrain from acts that promote forgetfulness, rejection, resentment, hatred, contempt or fear of the other parent. The children have the right to spend equal time with both parents. In the event of not continuing with a proactive attitude that facilitates the solution of the present conflict, **custody will be modified** in terms of articles 561 and 562 of the Civil Code of the State of Jalisco. In the aforementioned order, it does not go unnoticed that *the documents and statements of the defendant ABBEY LAUREN WILSON are not directed to any criminal act against the minor daughters, so there is no danger for the cohabitation with them.*

On January 12, 2022 two thousand twenty-two, within the **Amparo Proceeding number 2190/2021, promoted by ABBEY LAUREN WILSON**, the provisional and definitive suspension was granted against the claimed acts, considering the best interest of the children in order to protect their emotional stability, guaranteeing their effective participation, as well as respecting the fundamental rights enshrined in our Magna Carta in observance of the International Convention on the Rights of the Child. The defendant ABBEY LAUREN WILSON was ORDERED to allow the cohabitation of her minor daughters in terms of the order dated December 13 (thirteenth), 2021 (two thousand twenty-one), and on January 3 (third) of the year 2022 (two thousand twenty two) she was warned that **failure to do so would result in a change in the provisional custody** as resolved in the order dated June 4 (fourth) of the year 2021 (two thousand twenty one), **especially since the**

institution of cohabitation is an **obligation of the parents and a fundamental right of their children**. In the present case, it was pointed out that cohabitation is a fundamental institution of family law in Mexico, and its purpose is to regulate, promote, evaluate, preserve and, if necessary, improve or redirect the cohabitation in the family group, especially with respect to minors when their parents separate, especially since it is a right that the children have, to have moments of cohabitation that allow the healthy development of the children, in a healthy environment and in this way strengthen the father-children bonds that unite them.

By means of an order dated February 4 (fourth), 2022, (two-thousand twenty-two), the defendant **ABBEY LAUREN WILSON** stated that it is impossible for her to comply with the cohabitation regime proposed, **since she lives in Guadalajara and since her daughters. over the last months, have had their usual environment in the city of Guadalajara, and she therefore requests the designation of a specific location in Guadalajara**, for she does not have sufficient economic means to transport her daughters to Puerto Vallarta as ordered in the proceedings, since the girls have online lessons daily. It must be taken into account that they attend school activities such as rest, food and recreation. In view of the manifestations of the Agent of the Office of the Attorney General for Children and Adolescents that a personnel of Puerto Vallarta be designated for the delivery and reception of the minors in Puerto Vallarta, it was indicated to them that the **COHABITATION** with their father **JOSEPH RAYMOND FRANCIS** be carried out for the time being by **ELECTRONIC MEANS** on Mondays, Tuesdays, Wednesdays and Sundays. A personnel of the Office of the Attorney General for Children and Adolescents shall be designated as the host until a domicile is established. At no time will the supervised cohabitation decreed in the proceedings be modified, for which reason it must be carried out in any of the modalities, informing the Consul of the United States of America in Guadalajara, Jalisco by means of a letter sent to him. On February 24 (twenty-fourth), 2022 (two thousand twenty-two), through an amparo proceeding and motion number 321/2022 filed by **ABBEY LAUREN WILSON**, the provisional suspension was granted. In order to comply with this decision, it was ordered to move forward with the cohabitation regime decreed in the order of February 04 (fourth), 2022 (two thousand twenty-two). Therefore, on February 25 (twenty-fifth), 2022 (two thousand twenty-two), the Agent of the Attorney General's Office for Children and Adolescents, provided elements to carry out the cohabitation decreed in the case file. **ABBEY LAUREN WILSON** was warned again to schedule the cohabitation regime to be held in the following 08 (eight) weeks after she is informed of this resolution. It was also determined that it is necessary to appoint an expert translator in compliance with the provisional suspension granted in the aforementioned amparo proceeding. She was urged to contribute to the cohabitation regime under the above premise. However, there is no certainty that the residence is in Puerto Vallarta, and it was pointed out that the defendant

resides in Guadalajara, which is the one who has the custody of the minors.

On March 09 (ninth), 2022 (two-thousand twenty-two), the counsel for the defendant **ABBEY LAUREN WILSON** informed that the defendant's residence is: apartment 2801 (two-thousand eight-hundred and one) of the "The Landmark Guadalajara" tower, located at Avenida Patria Numero 88 (one-hundred eighty-eight) [sic.] in Zapopan, Jalisco.

However, and due to the fact that the defendant **ABBEY LAUREN WILSON**, during the proceeding kept silent in relation to the scheduling of the cohabitation decreed in the proceedings; in spite of being duly notified before the constant opposition of the mentioned cohabitation and to comply with the obligation of not impeding the cohabitation of her minor daughters **ATHENA OLIVIA AND ALEXANDRIA CLAIRE**, both surnamed **FRANCIS WILSON**, with their father **JOSEPH RAYMOND WILSON**, which is a right of the minors, which is above the interests of the parents, this court establishes the **SUPERVISED COHABITATION** to be carried out every Thursday, Friday and Saturday from 11:00 a.m. to 1:00 p.m. Therefore once the parties are notified, the **DIRECTOR OF THE CENTER OF MUNICIPAL COHABITATION OF ZAPOPAN, JALISCO**, was informed. The Agent of the Attorney's Office for Children and Adolescents was also informed of this resolution, so that they may watch over and supervise the exercise of the **CUSTODY AND COHABITATION** .

By order dated April 22 (twenty-second) , 2022 (two thousand twenty-two) , **ABBEY LAUREN WILSON** was asked to fully prove the school schedule of her minor daughters based on which she intends to restrict the cohabitation with the parent and, therefore, to cause the loss of the emotional bond. The Agent of the Attorney General's Office for Children and Adolescents stated that he went to the domicile provided by the defendant, where he found that the domicile was uninhabited, and that he received communication from the Cohabitation Center of Zapopan saying that the minors were abducted by their mother from the national territory and taken to Oklahoma City in the United States of America. In this sense, as it is evident from the proceedings, on February 12 (twelfth), 2021 (two-thousand twenty-one), this Court decreed as a precautionary measure in terms of Article 249 of the Code of Civil Procedures of the State of Jalisco, **the prohibition for the defendant ABBEY LAUREN WILSON to transfer or take her daughters ATHENA OLIVIA AND ALEXANDRIA CLAIRE FRANCIS WILSON out of the State of Jalisco, Mexico; a precautionary measure that to that date had not been revoked and was still in force.** This measure must be complied with and, in the event that the children have indeed been abducted from the country, the defendant's conduct cannot be rewarded and, even less so, the right of the children to live with their father cannot be limited in any way. Hence, there is

also a need to modify the cohabitation regime in the terms previously stated; this with the purpose of establishing equity between the parties and not undermining the right of the plaintiff **JOSEPH RAYMOND FRANCIS** to exercise the legal actions he deems pertinent before the Courts of the United States of America.

However, it is evident from the record that the defendant unilaterally decided to change her domicile with her minor daughters who are under the parental authority of their father **JOSEPH RAYMOND FRANCIS**, and being subject to legal proceedings before this Court regarding the custody of her daughters. She arbitrarily withdrew from this authority, and in the record there is no justification for the change of domicile during the processing of a trial in which the paternal-filial visitation and cohabitation regime is being settled, hindering or nullifying the exercise of this right. The court considers that the exercise of the right of the girls to have visits and cohabitation with their father was restricted DURING THE ENTIRE PROCEDURE, notwithstanding the warnings during the entire trial for her to comply. The Court ordered her to return the children **IMMEDIATELY TO THE STATE OF JALISCO, MEXICO, and to prove that she lives in the State of Jalisco.**

On November 11 eleventh of the year 2022 two thousand and twenty two, the hearing of evidence and allegations was held in the company of an expert translator. The defendant **ABBEY LAUREN FRANCIS** was declared as confessed by default, and the interrogations qualified as legal were effectively admitted, this in terms of Article 323 of the Code of Civil Procedures for the State of Jalisco, and the defendant rebellious attitude within the proceeding was noted. Upon considering the statements of the witnesses **FRANCISCO DE LOS SANTOS HERNANDEZ and FREDERICK XAVIER LOPEZ UREÑA**, who testified in relation to the facts in terms of Article 411 of the Civil Procedural Law of the State of Jalisco, and who coincided in their statements saying that the plaintiff **JOSEPH RAYMOND FRANCIS** treated his daughters well, that they received good care, that their father played with them, that they were not scolded or disrespected, that they had a good quality of life, that they had good housing, that there was a good parent-child relationship between the children and their father, that they did activities such as playing with them, being in the pool, bouncy castles, children's activities, that they were well provided with clothes, toys, that they lived in a very big house with rooms, swimming pools, jacuzzi, that they had a playground, trampoline, that their room was big and full of toys, clothes, Barbies, ponies, everything in the kitchen service with whatever they wanted to play with, that the father was not rude, that they did not swear in front of the girls, that they were very polite, and that all this is known to them because they knew the family and they saw and even worked there, it is then found that the defendant **ABBEY LAUREN WILSON** did not answer the lawsuit. She only made a series of statements and assertions against the plaintiff **JOSEPH RAYMOND FRANCIS** in the sense that there are antecedents for domestic violence and physical and verbal

aggressions, as well as for abuse and prostitution in a company in the United States. However, the defendant failed to provide documents or a guilty sentence against the plaintiff. Such claims about violence and protective measures do not mean that the plaintiff is dangerous for the children, as there is no record of him being legally sanctioned for exercising family violence against his underage daughters. Therefore, it is important to remember that people enjoy the principle of presumption of innocence both in court and out of court, which implies that he should be treated as innocent until there is a firm sentence that determines his guilt.

The defendant also exhibited a judicial agreement of child support, custody and cohabitation of minors of ABBEY LAUREN WILSON also known as ABBEY LAUREN FRANCIS AND JOSEPH RAYMOND FRANCIS addressed to the Civil Judge on duty of Puerto Vallarta in 15 fifteen pages on one side only, which is not valid because it is not sealed by the Court, as well as a settlement agreement for the termination of cohabitation and granting of pardon and indemnity executed by Joseph Raymond Francis and Abbey Lauren Wilson. This document has an inscription made by the Notary Jorge Armando Bañuelos Ahumada, from which it is clear that he did not certify to the authenticity, validity and legality of said document in accordance with article 128 section II and 135 of the Notary Law of the State of Nayarit. However, said agreement contains a statement issued by Abbey Lauren Wilson herself in the sense that Mr. Joseph Raymond Francis is not in any way a violent person, that he is a good and loving father and that he has never treated her children with violence. There are also attached 07 simple copies without folio number of seven newspaper articles regarding the plaintiff, 01 a request for a protection order from Abbey Wilson against Joseph Ramon Frances dated April 26 (twenty-six) of 2022 (two thousand twenty-two), from the District Court of the State of Oklahoma, in English language and duly translated. Without showing the plaintiff's guilt, 23 twenty-three color impressions of the face and hand of a woman with their copies showing injuries, but with no date. 01 file of copies dated June 3 (third), 2021 (two thousand twenty-one) duly translated by the expert translator authorized by the General Council of the Judiciary consisting of 27 twenty-seven pages printed on one side of a conversation, with no further information. 01 a file of simple copies of 129 (one hundred and twenty-nine) pages of the factual report NAY/RV-CJM/RH/2713/2020 signed by the Public Prosecutor's Agent assigned to Unit One of Investigation of the Women's Justice Center of Bahía de Banderas, Nayarit, Nallely Berenice Mejia Aguilar, without further information about whether that report has led to a court proceeding. 01 file of conversations duly translated by the authorized translator Ivette González Landeros, without showing dates or telephone numbers, which cannot be granted evidentiary value. The facts of violence referred to are not overlooked, including the protective measures dictated in the decision dated June 4 (fourth), 2021 (two thousand and

twenty-one). However, the Court must abide by the resolution dated December 13 (thirteenth), 2021 (two thousand twenty-one), in which it is already mentioned that such measures were not an obstacle for the cohabitation, since at no time has it been accredited that the plaintiff has inflicted violence against his minor daughters. That is to say that there is no objective evidence that generates any conviction about the existence of danger for the girls **ATHENEA OLIVIA and ALEXANDRIA CLAIRE, both surnamed FRANCIS WILSON**. That is to say that **there is no evidence that the father has been criminally punished for the crime of domestic violence against his minor daughters**. And in this context it is important to emphasize that the persons who are accused enjoy the principle of presumption of innocence, both in court and out of court, which implies that they must be treated as innocent until there is a final judgment that determines their guilt.

The following criteria are applicable:

"PRESUMPTION OF INNOCENCE AS A RULE OF TREATMENT IN ITS OUT-OF-COURT ASPECT. ITS CONTENT AND CHARACTERISTICS. *In the opinion of this First Chamber of the Supreme Court of Justice of the Nation, the fundamental right to the presumption of innocence as a rule of treatment, in its out-of-court aspect, must be understood as the right to receive the consideration and treatment of not having committed or not having participated in criminal or similar acts, and therefore determines the right not to have the consequences or legal effects attached to criminal or similar acts applied. It is also necessary to point out that the violation of this aspect of the presumption of innocence can emanate from any agent of the State, especially the police authorities. Given the importance of a criminal accusation, the Constitution grants the accused a series of fundamental rights in order to guarantee that a fair trial is carried out against him. However, these rights are of no use when the authorities in charge of investigating the crime carry out various actions aimed at publicly exposing someone as responsible for the criminal act. In the face of these actions, there is an enormous risk of condemning the accused before his time, since the center of gravity that corresponds to the process as such, can be displaced to the public accusation made by the police..."*

"PRESUMPTION OF INNOCENCE AS A STANDARD OF PROOF. CONDITIONS TO CONSIDER THAT THERE IS SUFFICIENT EVIDENCE TO DISPROVE IT. *In order to be able to consider that there is sufficient evidence of the prosecution's case to undermine the presumption of innocence, the judge must ascertain that the prosecution's evidence disproves the hypothesis of innocence actually alleged by the defense at trial and, at the same time, in the event that such evidence exists, it must be ruled out that the exculpatory or counter-indicting evidence gives rise to a*

reasonable doubt about the hypothesis of guilt supported by the prosecution."

Then, the fact that there are several inquiries does not imply that a criminal conduct imputed to JOSEPH RAYMOND FRANCIS has been proven, since he is presumed innocent until there is a sentence declaring his guilt, and this is present not only within the criminal process, but also outside of it, so that the person cannot be presented before others as a violator of the criminal law.

Given the rebellious and unilateral attitude of the defendant **ABBEY LAUREN WILSON**, having failed to comply with all the cohabitation modalities imposed by this court despite the warnings given, as evidenced by the evidence on file, which is given full evidentiary value in accordance with Article 402 of the State Civil Procedure, in view of the attitude of the defendant, evidencing her lack of interest for the minors to cohabit with their father, breaking the filial-paternal ties and still having taken the minors **ATHENEA OLIVIA and ALEXANDRIA CLAIRE, both named FRANCIS WILSON** from the national territory and transferred them to the City of Oklahoma in the United States of America. In this sense, as it is evident from the proceedings, on February 12 (twelfth), 2021, (two thousand twenty-one), this Court decreed as a precautionary measure in terms of Article 249 of the Code of Civil Procedures of the State of Jalisco, **the prohibition for the defendant ABBEY LAUREN WILSON to transfer or take her daughters out of the State of Jalisco, Mexico; precautionary measure that to date had not been revoked and was in force**. This court must ensure the **fulfillment of said measure in a definitive manner**, for which reason it is considered of greater benefit that the minors remain under the care and protection of their father **JOSEPH RAYMOND FRANCIS**, who will be the person in charge of their custody. Therefore, the defendant must hand over the children's passports and all necessary documents in order to continue with their studies.

Therefore, as it has been exposed in the body of this resolution and in accordance with the provisions of numeral 572 section IV of the Civil Code of the State, it is of greater benefit at this moment to grant, and it's so granted and ordered that the **DEFINITIVE CUSTODY** of the minors **ATHENEA OLIVIA AND ALEXANDRIA CLAIRE both with the surnames FRANCIS WILSON**, be exercised exclusively by their **father JOSEPH RAYMOND FRANCIS.-**

X.- ABOUT THE FINAL CHILD SUPPORT. In effect, the plaintiff appeared in court to initiate a proceeding against defendant **ABBEY LAUREN WILSON**, claiming the establishing of a final alimony in favor of his minor daughters **ATHENEA OLIVIA AND ALEXANDRIA CLAIRE, both surnamed FRANCIS WILSON**, because although he also

requested provisional child support and that alimony was established in a timely manner, upon the issuance of the final decision, that alimony assignment will lose validity, since it will then be substituted by the definitive alimony in the terms of article 448 of the State Civil Code and 697 of the Local Civil Procedure.

In the first place, it must be established that under the guidelines of Article 1 of the Code of Civil Procedures for the State, every action requires that whoever initiates it has a right, since this is what legitimizes them to appear before the Jurisdictional Body. Since the birth certificates of the minors **ATHENEA OLIVIA and ALEXANDRIA CLAIRE, both surnamed FRANCIS WILSON**, have been exhibited, it is evident from the demonstrative effectiveness of said documents in light of Article 399 of the aforementioned Law, that in effect both the plaintiff and the defendant are the parents of the aforementioned minors. This, in turn, in accordance with Article 434 of the State Civil Code, generates for the defendant the obligation to provide child support for her minor children, which must include as foreseen in Article 439 of the mentioned Ordinance, food, clothing, housing, medical assistance, education and the needs of their minor daughters for their psychological development and healthy recreation. This means that the first of the elements of the action, i.e., the right to alimony, has been accredited.

Having established the right of the defendant's minor children to receive child support, the need to receive such child support must be considered accredited, since the plaintiff so establishes in his claim when attributing the non-compliance to the maintenance debtor, it being clear from his account that it is he who is responsible for meeting the food needs of his minor daughters, who, as can be seen from their birth certificates, are 08 (eight) years old at the time of this ruling, which implies for said minor, that due to their young age they cannot satisfy their needs by themselves. The plaintiff stated that he was in charge of the needs of his minor daughters, and the witness statements indicated that the plaintiff was in charge of all the things of the minors, when they lived in the defendant's company. Therefore, such circumstances bring as a consequence that the food need of the maintenance creditors is justified, since on this point a presumption of such requirement is derived, an event that has been established by our Constitutional Control Organ in the criterion that reads as follows:

CHILD SUPPORT. PRESUMPTION OF NEED.

As a general rule, the filing of a lawsuit for the purpose of demanding the provision of child support, logically presupposes the imperative need to receive it. SECOND COLLEGIATE COURT OF THE SIXTH CIRCUIT. Direct amparo proceeding 102/89. Francisco Espinosa Carriles. April 27, 1989. Unanimous vote. Speaker:

José Galván Rojas. Clerk: Armando Cortés Galván. Amparo proceeding in review 326/95. Fernando Hidalgo Trujillo. June 21, 1995. Unanimous vote. Speaker: Clementina Ramirez, Moguel Goyzueta. Clerk: Gonzalo Carrera Molina. Direct amparo proceeding 173/97. Alberto Huerta Hernández. April 16, 1997. Unanimous vote. Speaker: Gustavo Calvillo Rangel. Clerk: José Zapata Huesca. Direct amparo proceeding 80/98. José Othón Martínez Ruiz. March 12, 1998. Unanimous vote. Speaker: Gustavo Calvillo Rangel. Clerk: José Mario Machorro Castillo. Direct amparo proceeding 242/98. Alejandro Roberto Téllez Roa. June 18, 1998. Unanimous vote. Speaker: Carlos Loranca Muñoz. Clerk: Gonzalo Carrera Molina.

In the same manner, upon evaluating integrally each one of the elements of proof provided by the plaintiff, it is evident that the minors must live in the father's domicile, and, therefore, that the father complies with his obligation to provide for the children's needs, attention and care to the extent of his possibilities. On the other hand, the defendant does not have physical custody of the children, which in no way relieves her of the obligation to provide for the children as their mother, in terms of article 434 of the State Civil Code, in relation to article 440 of the aforementioned body of law.

Having established the assumptions of the right to alimony and the creditors' need to receive it, since there is an imputation against the defendant, which of course should not be imputed to the plaintiff as to the burden of proof, because it is a negative fact in terms of article 287 of the Code of Civil Procedure, without this being disproved, in order to establish the quantum of the sentence, it must be established that according to the provisions of Article 442 of the State Civil Code, and child support must be proportional to the ability of the debtor to provide it and the need of the creditors. Therefore, taking into account what has been narrated by the plaintiff and which is corroborated with the testimonial evidence according to number 411 of the Civil Procedure of the State, it is evident that the maintenance debtor does have the economic capacity to grant alimony to the creditors. Although the debtor's work activity and the income she receives from it have not been accredited in a certain way, it is obvious that she has the capacity to receive income and consequently satisfy her own food needs, and therefore she has the possibilities to grant alimony to her minor daughters.

Now then, in order not to violate the principle of proportionality provided for in Article 442 of the State Civil Code, which nowadays deems it appropriate to establish the amount of the alimony based on minimum wage, as this not only guarantees that the alimony creditor's needs are satisfied, but also that due proportionality is maintained, since the

concept of child support encompasses a series of factors not limited solely and exclusively to the satisfaction of the need for food, but also include aspects inherent to decent housing, education, clothing, medical services and recreation, which increase the economic need; therefore, if in the specific case there is only one alimony creditor, and the obligation to provide maintenance falls on both parents, it is therefore considered fair and equitable to establish as the amount of the final child support the monthly **amount of \$186,000. 00 (one hundred and eighty-six thousand pesos 00/100 national currency)**, which is ordered to be paid by **ABBEY LAUREN WILSON**, in the terms and conditions established, in the understanding that the same will be of final character and will substitute the provisional alimony. For this effect the criterion that reads as follows applies:

CHILD SUPPORT. REQUIREMENTS THAT MUST BE OBSERVED IN ORDER TO ESTABLISH THE AMOUNT OF THE CHILD SUPPORT FOR THIS CONCEPT (LAWS OF THE FEDERAL DISTRICT AND THE STATE OF CHIAPAS).

From the provisions of articles 308, 309, 311 and 314 of the Civil Code for the Federal District and their correlative articles 304, 305, 307 and 310 of the State of Chiapas, it can be seen that the legislators established the bases for determining the amount of child support, which are fundamentally based on the principles of proportionality and equity that must be present in any judicial decision, whether temporary or final, which means that in order to establish the amount of this child support obligation, the state of need of the creditor and the real possibilities of the debtor to comply with it must be taken into account. In addition, the social environment in which the children live, their customs and other particularities of the family to which they belong must also be taken into account, since child support does not only cover the creditor's vital or precarious needs, but also a decent life, without luxuries, but sufficient to develop in the aforementioned status. Hence, it is not possible to use a strictly mathematical criterion for such purposes, under penalty of violating the guarantee of due substantiation and motivation enshrined in Article 16 of the Political Constitution of the United Mexican States and, eventually, render this right of public order and social interest null and void. Contradiction of thesis 26/2000-PS. Among those sustained by the First Collegiate Court in Civil Matters of the First Circuit and the First Collegiate Court of the Twentieth Circuit. April 4, 2001, Unanimity of four votes. Absent: Humberto Román Palacios. Speaker: Juventino V. Castro and Castro. Clerk: Arturo Aquino Espinosa. Case law thesis 44/2001. Approved by the First Chamber of this High Court, in session of May twenty-third, two thousand one, by unanimous four votes of the following Justices: Chief Justice José de Jesús Gudiño Pelayo,

Humberto Román Palacios, Juan N. Silva Meza and Olga Sánchez Cordero de García Villegas. Absent: Juventino V. Castro and Castro.

Based on the foregoing, it is necessary to declare as founded and appropriate the action filed by the plaintiff for the establishment of definitive child support to be paid by the debtor in favor of her children **ATHENA OLIVIA and ALEXANDRIA CLAIRE, both named FRANCIS WILSON, in the amount of \$186,000. 00 (one hundred eighty-six thousand pesos 00/100 national currency) on a monthly basis** and **ABBEY LAUREN WILSON** is ordered to pay, in the terms and conditions established, in the understanding that this child support will be final and will substitute the temporary amounts that were established at the time.

Finally, since the totality of the benefits claimed by the plaintiff have been granted, Article 143 of the Code of Civil Procedure is satisfied, and the defendant **ABBEY LAUREN WILSON** is ordered to pay all court costs and expenses, which shall be quantified in the execution of the judgment.

PROVISIONS:

FIRST.- The capacity of the plaintiffs, the competence of the Court, and the chosen procedural path were duly evidenced in the record.

SECOND.- The plaintiff proved its action, while the defendant did not justify its defenses, since it did not answer to the defendant [sic].

THIRD.- It is decreed, granted and ordered that the definitive custody of the minors **ATHENA OLIVIA and ALEXANDRIA CLAIRE both surnamed FRANCIS WILSON** who were born on October 7 (seven), 2014 (two thousand fourteen) be granted **solely and exclusively in favor of their father JOSEPH RAYMOND FRANCIS.**

FOURTH.- Compliance with the decreed measures is ordered for the minors **ATHENA OLIVIA and ALEXANDRIA CLAIRE, both surnamed FRANCIS WILSON.**

FIFTH. The defendant **ABBEY LAUREN WILSON** is **CONDEMNED to pay final alimony in favor of her minor daughters ATHENA OLIVIA AND ALEXANDRIA CLAIRE, both surnamed FRANCIS WILSON, consisting of the amount of \$186,000.00 (one hundred and eighty-six thousand pesos 00/100 national currency) on a monthly basis, in the understanding that the same will be of a final nature and will replace the provisional amounts that were established in the past.**

SIXTH.- Finally, the plaintiff is ordered to pay court costs, in accordance with the provisions of Article 143 of the Code of Civil Procedures of the State, which shall be calculated in the execution of the judgment.

BE NOTIFIED.

It is so resolved and signed by the Judge by Ministry of Law of the Twelfth Court in Family Matters of the First Judicial District based in Zapopan, Jalisco, **HECTOR MIGUEL MERIDA VELEZ** , before his Clerk of Agreements by Ministry of Law **ANA BERTHA SIERRA NUÑEZ**, within the file **144/2021 VOLUME I, II and III**, who authorizes and attests.

[signature]

[signature]

[WET STAMP] The public notifier assigned to this court states that the above resolution was published in the judicial bulletin number 68 of the seventh day of April of the year 2023 two thousand and twenty-three and has legal effects of notification in accordance with articles 107, 118 and 124 of the state civil procedure at 12:00 hours of the tenth day of April of the year 2023 two thousand and twenty-three. For the record. [ILLEGIBLE] [SIGNATURE]