

Mr. Moutsatos-Morales-

On behalf of Mr. Williams, thank you for your prompt reply to our letter of last Thursday. We appreciate greatly your relaying his letter to the relevant decision makers in Mexico. While the letter was delivered last week, thus far we have received no reply.

I'd like to emphasize that the focus of Mr. Williams' letter was Sgt. Tahmooressi's PTSD, the lack of treatment available for it in the correctional setting as well as a reminder that the challenging political climate surrounding our shared border (admittedly made worse in no small part by a vocal minority on our side) should not slow the disposition of Sgt. Tahmooressi's case, and he would still very much appreciate a response that addresses those issues.

As for the fact sheet, we had reviewed it previously as we were evaluating whether to get involved in this matter, and based on feedback from experts on the Mexican legal system and others we compiled the below, which we share in hopes of providing you with an understanding of how we analyze the situation.

- **Referring to #2 on the fact sheet** Although ignorance of the law is not a dispositive defense under the statute he is charged with violating, willful intent IS a *conditio sine qua non* for prosecution. In other words, possession of firearms reserved for exclusive use of the Mexican Armed Forces is not a crime that can be committed negligently.
- **Referring to #5 on the fact sheet** – Sgt. Tahmooressi WAS NOT offered Consular assistance from the moment of his detention. Quite the contrary, he was [unjustifiably] held at the Customs Point of Entry, in handcuffs, for almost 8 hours BEFORE being delivered to the Federal Prosecutor. During that time he did not receive Legal Counsel, a translator, nor Consular assistance. That he was provided consular assistance once delivered to the Federal Prosecutor does not

cure the defect under Mexican law or in the court of public opinion. That proposition is bolstered by the fact the Mexican Customs Service resisted orders to turn over the footage from the initial encounter for months.

- **Referring to #10 on the fact sheet** - The signs stating guns and ammunition are illegal in Mexico are located NORTH of the point where Andrew Tahmooressi drove onto southbound I-5.
- **Referring to #11 on the fact sheet** – The signs clearly positing the opportunity to make a u-turn to return to the United States was installed AFTER the arrest in this case, in fact as a RESULT of it, and given the reality that his exit to the United States from the point at which he entered I-5 South is next to impossible, one wonders how it could be established that he intended to be present in Mexico, or took any purposeful action which led him to be in Mexico, which would negate intent.
- **That Sgt. Tahmooressi had entered Mexico previously on several occasions on foot doesn't preclude accidental entry BY VEHICLE.** Nor is it materially relevant, in our view, what he may have done on those prior visits given that he was charged with no crime.
- Mr. Williams believes that Sgt. Tahmooressi's mental health is deteriorating significantly and will continue to do so without treatment. He also remains concerned that this case has taken on a political character on both sides of the border that has caught a mentally ill 26 year old in the middle of a political fight of which he has no part. Mr. Williams would like to reiterate his offer to speak with the Ambassador and if need be, travel to Mexico City. He does see this matter as

urgent, and does intend to bring significant public awareness to it both in the US and in Mexico.

Sincerely Yours,

Jonathan Franks  
Director of Communications and Government Relations  
Office of Montel Williams