

NEWS RELEASE - Morris Roy Lester CASE

24 February 2025

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**The State and RFA vs Morris Roy Lester Femicide (attempted) Investigation case file:
CI-FIAR/C/UI-1 C/D/00104/12-2022**

Court case file: 09/1203/2023 9th Court of Mexico City North District (Unidad de Gestion Judicial 9, Reclusorio Norte).

CURRENT SITUATION

Morris Roy Lester, Saltcoats, North Ayrshire, is falsely accused and resides in a Mexican prison. His two children are with a foster family.

Three and a half years ago Morris Roy Lester decided to separate from his wife after 15 years together because of the increasing psychological, verbal and physical violence against him and their two sons. She was verbally abusing the two sons daily (now 9 and 13) and physically assaulting them more and more frequently.

After the separation and divorce, she made several allegations against him for violence against her and the children. None of the allegations were upheld. She was told by the last judge at the state of Morelos, Mexico, not to make more false allegations.

Morris Roy Lester was awarded an emergency change of custody of his sons but his ex-wife managed to hide them. Then, after the first Amber Alert and the help of a federal judge and federal police the children were located and forcibly removed from their mother after a high-speed police chase in streets of Mexico City with the children in the back of her car.

Meanwhile, she went to another state and made another false accusation: this time for attempting murder. But the alleged murder attempt would have taken place almost 3 months before she reported it to the police. The investigation was led by the Unit for Special Investigations, which is a Mexico City Attorney General Office headed unit, which is supposed to investigate high profile cases, nevertheless that the Unit for Investigation of Femicide and Gender related Cases, is the one which under normal basis leads an investigation for this kind of cases. It took 8 months from the time of the complaint for Morris Roy Lester to be arrested in front of his sons. For 8 months, Morris Roy Lester lived in the same family home. He went to the Family Department of Morelos every Friday from 5 to 6 pm, and he never was summoned by the police or the detective to have a chance, not just to defend himself, but at least to let him know that there was an active investigation against him.

Morris Roy Lester has now been held in prison for 17 months. It seems that in Mexico you are guilty until you are proven innocent in 'gender crimes' where the alleged victim is a woman. When Morris Roy Lester was arrested, his ex-wife took the children again breaking a restraining order, psychiatric order and many court orders. After the second Amber Alert was issued, she was forced (by her lawyers) to hand the children to Mexico City's Family Department. Morris Roy Lester who has legal custody, has not seen or heard from them or about their health, wellbeing or education since the day of his arrest and erroneous imprisonment.

Then, a family member on her side went to the Foster Department and took the children. No criminal record, income, property or employee was checked. No psychology checked of any of the people in the household.

The family member is not someone that has a close relationship with the children. They have supported a woman who has broken a court order to receive psychiatric help.

The Family Department and the Foster Department have ignored court orders and demands of the custody Judge to hand over the document used to give the children to a family member of a mother who has had her child custody removed on two occasions.

Only 4% of men are awarded custody in Mexico. The Justice Department and the police in México refuse to help. In prison, Morris Roy Lester has met a lot of men going who have been blocked or have been tried to be blocked from seeing their children, parental alienation seems to be very common in Mexico, but is illegal:

<https://nrglaw.co.uk/parental-alienation-a-rigorous-approach-by-the-courts/#:~:text=It%20has%20been%20recognised%20as,alienation%20is%20a%20criminal%20act.>

ALLEGED FACTS:

- 24 October 2022, while RFA was in her medical office at Hospital Angeles, Mexico City, Morris Roy Lester allegedly arrived and entered the office of RFA, even though the hospital has CCTV cameras, private security and private police guarding the entrance. There is a bank that is on the ground floor of the same building. He would have to pass the same on the way out. **This would have been during Covid times, so extra screening and security would have been in place. The allegations continue that while Morris Roy Lester was allegedly strangling RFA for five minutes, the only witnesses of the attack were people related to RFA personally or professionally. In a busy private hospital, it is said that the only one who came to help was the RFA's medical office partner who came up to provide first medical assistance to RFA.**
- Morris Roy Lester then fled using the emergency stairs (the medical office is on the 6th floor of the medical offices building at the hospital).

RELEVANT FACTS:

- 24 October 2022, Morris Roy Lester was in his home all day at Cuernavaca, Morelos (a State at least 63km away). He never left because he was ill.

RELEVANT INFORMATION:

- RFA was married to Morris Roy Lester and they have two children. They lived together in Cuernavaca, Morelos. They divorced in 2021.
- RFA is a medical doctor (gynecologist) and is a specialist in assisted reproduction at her own medical practice.
- RFA filed a criminal complaint against Morris Roy Lester for alleged domestic abuse (physical and psychological) committed against her, in Morelos.
- The public prosecutor pressed charges against Morris Roy Lester for domestic abuse.
- The court ruled that there was probable cause.
- The defence filed a motion with a petition to the court for a procedure on probation. Morris Roy Lester argued with his lawyer that was not true, but was told that he would go to jail

for two years if he did not accept this. The court granted the motion and put the procedure on probation for 1 year.

- After that year, the defendant complied with the probation conditions and the court ruled out the case, dropping all the charges against Morris Roy Lester. **Legally, that ruling equals an acquittal sentence.**
- RFA filed a new criminal complaint against Morris Roy Lester for alleged domestic abuse committed against his children in Morelos.
- The public prosecutor pressed charges against Morris Roy Lester for domestic abuse.
- The court ruled that there was no probable cause and dismissed the case without charges.
- RFA appealed the ruling. The Appeal Court ruled that the hearing must be reinstated.
- RFA filed an Amparo claim against the Appeal Court ruling.
- RFA loses the Amparo.

PROCEDURE BRIEF REPORT

- 23 December 2022, the criminal complaint was filed. It was filed and the investigation was handled by the high-profile cases investigation unit. On a normal basis, the investigation must be handled by the femicide and gender crimes related investigation unit.
- 22 August 2023, a bench warrant was issued for the defendant's arrest for Femicide (attempted).
- 26 August 2023 the defendant was arrested. Ten months after the alleged attack, eight months after the false allegation was made.
- 28 August 2023 the arraignment hearing took place and the Court ruled that there was probable cause and the defendant must be held in custody until trial and any chance of bail was denied.
- The defence filed a motion to dismiss claiming that the alleged facts never happened. On 10 January 2025, the hearing to discuss the defence motion took place. The Court ruled that the motion was not granted, and the procedure must continue to trial.

CURRENT STATUS

The investigation phase is over. An indictment from the public prosecution has been filed and the alleged victim is demanding 46 years and 8 months and almost 3 million pesos, including expenses that have nothing to do with the alleged crime. The middle or pretrial hearing date is set for 24 February 2025.

IRREGULARITIES

- Alleged facts were reported to the police two months after: 23 December, 2022.
- Investigation is led by a unit which is not supposed to lead and investigate this kind of case.
- Grupo Angeles state that they don't have the footage of the videos.

CONSEQUENCES OF CONVICTION

It is feared that if convicted Morris Roy Lester will be in grave danger. There is evidence that will accredit the **alleged** victim's animosity against the accused.

CALL TO ACTION

Morris Roy Lester requires significant funding for his defence to pay for his trial which is expected later this year in 2025.

Please pledge an amount to help fund legal costs going forward for the trial of Morris Roy Lester. Amounts will be used exclusively to fund legal services and will be processed by the instructed law firm.

Contact:

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BRIEF EXPLANATION OF THE CRIMINAL PROCEDURE IN MEXICO

In the Mexican Criminal Procedure, the investigation is led by a public investigative prosecutor called “Ministerio Público” and is handled by the detectives. So, the public prosecutor takes care of the case from the very beginning and instructs the detectives for the investigation. The complainant can also appoint his/her own attorney as private prosecutor. The private prosecutor on a general basis will work besides the public prosecutor.

The procedure has three main stages: the investigation phase or stage, the intermediate stage and the trial stage.

Investigation phase

The investigation phase starts with a police report or with a criminal complaint. Once that the evidence is enough to prove that a fact that could be considered as a criminal offence happened, and that the defendant had any involvement in that fact, the prosecution presses charges (if the defendant wasn't arrested while actually committing the criminal action, the court will subpoena the defendant to appear in court and hear the charges, or the prosecutor will ask the court for a bench warrant to press charges). An arraignment hearing takes place in which without hearing evidence (but the defence evidence in case that the defendant asks the hearing to be adjourned to present defensive evidence) the court rules under the probable cause basis, to determine if the case must proceed and a formal investigation in which the defendant can be actively involved, must take place. This ruling is called “Auto de Vinculación a Proceso” or a ruling to stand trial. In that ruling the Court states the time that the formal investigation must take and the deadline for the prosecution to determine if it will file a formal indictment or dismiss the case without charges. Both the prosecution and/or the defence can file motions to ask for continuance of the deadline, without exceeding 6 months (unless the defendant waived his right to be put on trial within the next 2 years of his arrest).

Intermediate or middle stage - pretrial stage

Before the final deadline (after continuances), the prosecution must file the indictment (called “acusación”). In the indictment the prosecution must state the facts that they are intended to prove on trial, and the evidence to prove it, and any kind of evidentiary arraignment proposal. Also, it will be clear regarding the amount that the victim is seeking as compensation for the damages as per consequence of the criminal offence and the evidence that has to prove it.

The private prosecutor (if it is appointed), must take a position regarding the public prosecutor indictment. It can go with the same indictment, amend it, or file their own indictment which will implicate a third party in trial. On a normal basis the private prosecutor works beside public prosecutors. The defence must discover the evidence that it gathered in its own investigation and present it to be heard on trial (evidence that isn't intended to go to trial, hasn't been discovered). Also, they can present evidentiary arrangement proposals. It is called "contestación de la acusación".

Once all parties have discovered their evidence and their propositions for trial, a hearing is called. In the hearing which is the pretrial hearing and is called "audiencia intermedia", the court will hear and rule all the motions that were filed by the parties. Also the court will rule regarding the admissibility and/or the limitation of the evidence that is intended to be brought to trial as well as the arguments that will not be allowed in trial. The court also will rule on the evidentiary arraignment proposals (if any).

As per consequence of the hearing a ruling will be issued by the court stating the facts that will be proved (the prosecution story), the evidence of each party that was admitted and/or limited, and the evidentiary arrangements (if any) that the party reached.

Trial stage

The Court appoints the judge (or three judges) who will be in the trial. Those judges will lead the trial and will rule if the defendant is guilty or not and in case he/they find the defendant guilty, will impose the sentence.

After the trial judge is appointed, he/they will request each party the order in which their evidence will be presented and will schedule the dates for the trial setting out the evidence that will be heard each day.

The trial will start reading the ruling after the middle hearing as all parties are aware of the facts to be proven and the evidence that will be heard, and if the case, the limitations on evidence and/or arguments.

Each party will give its opening statements and will present its own evidence. Evidence will be heard through the direct examination of the witnesses who will be presenting it, by the party that offered the evidence and cross examination by the other party. Examination and cross examination could be made for up to two rounds if needed. Material evidence will be presented following the chain of custody rules and setting the grounds to present it.

Once all the evidence is heard, the evidentiary phase of the trial is concluded. Each party must present its closing arguments. Based on the evidence that was heard, the judge will rule if the defendant was found guilty or not guilty as charged.

If the court found the defendant guilty, it will set a hearing to impose and read the sentence which will contain a brief of the trial, what each party proved/or not proved, the legal burden of proof of each party, the verdict, and if convicted, the penalty to be imposed.



Denise Piedragil
On behalf of Morris Roy Lester