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ACTION OCS-00

RELEASED IN FULL

INFO	LOG-00	NP-00	AID-00	CA-00	CIAE-00	WHA-00	DS-00
	UTED-00	H-00	TEDE-00	INR-00	PA-00	IRM-00	SSO-00
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 FM AMCONSUL CIUDAD JUAREZ
 TO SECSTATE WASHDC 6171
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 AMEMBASSY MEXICO

UNCLAS CIUDAD JUAREZ 000870

CA/OCS/ACS/WHA WENDY C. RYDE

E.O. 12958: N/A
 TAGS: CASC, PHUM, ASEC, MX
 SUBJECT: APPEAL ON CYNTHIA KIECKERL

REF: CDJ 16486

1. SUMMARY: Amcit Cynthia Kiecker and her family have again contacted ACS to ask for guidance on whether she should return to Chihuahua City to formally sign appeal papers filed by the prosecutor's office (Ministerio Publico), upon the insistence of her attorneys. Kiecker expressed concern over having to return to Chihuahua because she feared for her and her husband's safety, and also because they had no money left to return. On the day amcit Cynthia Louise Kiecker and her LPR husband, Ricardo Javier Perzabal Ibanez (aka: Ulises Perzabal), were acquitted of all charges by a state judge in Chihuahua City for the murder of a 16-year-old girl, the state appealed the decision within minutes. NOTE: In a late November meeting (prior to Cynthia's release) Jose Reyes Baeza Terrazas (Governor of Chihuahua) had expressed to Consul General Donna Blair that if Cynthia Kiecker was acquitted of all charges the state would not/not appeal the decision. END SUMMARY.

2. Within the last two weeks, ACS has received several calls from Cynthia Kiecker, and her parents, Burt and Carol Kiecker, asking for direction on the legal process and ramifications of having Cynthia report back to Chihuahua City and sign papers in the state judge's office based on an appeal filed by the state on their acquittal. Carol Kiecker is also asking that Post help in clearing Cynthia and Ulises' name so that in the future they may be allowed to return to Mexico. The Kieckers report that Cynthia's defense attorneys, Miguel Zapien and Arturo Arzate, have repeatedly called her demanding her to return to Chihuahua

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to sign papers in person. She felt that because of the attorneys' pressure it was necessary to return to Chihuahua City, but felt it would be difficult because she and her husband were financially depleted and both fear for their safety.

3. Legally, the judge could waive the couple's appearance but for reasons of his own, he is insisting. According to articles 95 and 96 of the code of penal procedures for the state of Chihuahua, if the accused or his legal representative provide an address to receive notifications they will be notified of any resolutions, and the notifications are made through his/her attorney. Post has serious reservations about the couple returning to Mexico, given the dubious nature of some of the proceedings, and we have expressed our concern to the Kieckers. When post told the judge (today) that we doubted they could return, he expressed disappointment and informed that he had no option but to issue a "desacato" or an order charging Kiecker in contempt of court and disobeying a court order.

4. Post will continue to follow the case if/when there are further developments.

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