Hearing Summary: Dec. 4, 2009

Background: A meeting inside a small government office in Guayaquil took place around Dec. 4, 2009 – one that would only latter be described to the Defendant as a court hearing – in which arguments were made concerning would only latter be described to the Defendant as a matter concerning deportation. During this hearing the Defendant was asked if he wanted to say anything, without any mention of desired content or context. This document is riddled with inaccuracies, noted in the English translation. (For example, the document opens by stating that the meeting took place on June 26, 2009 . . . an impossibility, since the kidnapping itself didn't take place until Dec. 2, 2009).

A summary – something short of a transcript – was officially produced concerning this "hearing," and its contents are included below.

A summons was issued which follows this document below; however, the Defendant never saw this document until nearly two years later.

These documents are posted below, drafted in Spanish, followed by their English translation.

En Guayaquil, a los veintiséis días del mes de Junio del dos mil nueve, a las dieciséis horas con cinco minutos, ante el señor ABOGADO JULIO CÉSAR QUIÑONEZ OCAMPO., INTENDENTE GENERAL DE POLICÍA DEL GUAYAS e infrascrito Secretario Judicial encargado del despacho, así como de el señor DR. ABRAHAM CHEING FALCONES, AGENTE FISCAL DISTRITAL DE LO PENAL. TURISMO Y ASUNTOS MIGRATORIOS DEL GUAYAS y del señor Abogado DORLANDIG TOALA QUIJIJE, con Matricula Profesional No. 11370 del Colegio de Abogados del Guayas, el que lo hace en calidad de DEFENSOR PRIVADO. compareció el ciudadano de nacionalidad ESTADOUNIDENSE: JAMES GREGORY CATON; con el objeto de dar cumplimiento a lo ordenado en el Auto Penal de Deportación anterior, esto es realizar la Audiencia respectiva - Al efecto, encontrándose dentro del día y hora señalada, el señor Intendente procede a declarar instalada la presente diligencia - Acto seguido concede la palabra al ciudadano antes mencionada, de nacionalidad Estadounidense, quien haciendo uso de ella, DIJO - Ser anatural de LAKE CHARLES, estado de Louisiana, Estados Unidos de Norte América, de 53 años de edad, de Profesión: Hombre de Negocios, de religión Anglicano y no porta sus documentos.- A continuación leida que le fue el Auto Penal de Deportación inicial la accionada EXPUSO: Que no sabe cual es la demanda y cuales son los 12 cargos.- Que acerca de eso puedo decir más de doscientas páginas tanto en Inglés como 20 en español por ser un asunto famoso - Que si bien es cierto que el Ecuador es un país corrupto y que otros países latinoamericanos son corruptos, en su opinión que el gobierno americano lo es aún más, que en la dirección de Internet w. w. w. meditapia. Org. La razón por la que vine al Ecuador es porque este país es más abierto a respetar otras medicinas alternativas o natural, de curanderos, etc. Que es todo lo que tiene que decir en honor a la verdad. En este estado el señor Abogado DOARLING TOALA QUIJIE, en su calidad de Defensor Privado del accionado, solicita la palabra la que le ees concedida y haciendo uso de ella, EXPUSO:- Señor Intendente, Señor Fiscal señores, en nombre y en representación del señor JAMES GREGORY CATON, DEBO INIDCAR EN PRIMER LUGAR :- Rechazo la Indagación Previa No. 163-2009 iniciada por el señor Fiscal aquí presente por el supuesto Delito de Residencia llegal, por ser improcedente, ilegal y atentatoria en contra de los Derechos Humanos de mi representado, es más el señor Juez Primero de Lo Penal del Guayas le concede la Libertad a mi representado, tomando ahora conocimiento el señor Intendente aquí presente, solicito señor Intendente que de conformidad con el art. 9 de nuestra Constitución de la República, sean respetados los Derechos del ciudadano Estadounidense aquí presente por así estimarlo y determinarlo nuestra Constitución. Se ha violado el Derecho al debido proceso, de conformidad al art. 75 y 76 de nuestra Constitución, así como también el art. 77 numeral 7mo literal a que dice - Ser informada de forma previa y detallada en su lengua propia y en lenguaje sencillo de las acciones y procedimientos formulados en su contra y de la identidad de la Autoridad responsable de la acción y protección. Digo esto señor Intendente, porque en este momento ha sido evidente que el ciudadano JAMES CATON no entiende el idioma . 21 español, aqui tenemos un traductor que no está acreditado y traido por el fiscal, que es prueba evidente de lo que acabo de mencionar, además, de la versión rendida en este momento, también es evidente que se está violando lo establecido en el art. 66 numeral 14 inciso segundo que dice: "Las personas extranjeras no podrán ser devueltas o expulsadas a un país, donde su vida, libertad, seguridad o integridad o la de sus familiares pelig5en por una causa de su etnia, religión nacionalidad, ideología o pertenencia a determinado grupo social o por sus opiniones políticas, quedando evidenciado por mi defendido las diferencias políticas con su país de origen, el estadono podrán ser devueltos a su país de origen cuando peligre su vida, la seguridad, por causa de etnia, religión, etc o cuestiones políticas y digo que no se adecua al texto constitucional por que lo que ha existido Señor Intendente ss el cometimiento de una infracción penal criminal en los Estados unidos; y, es muy bien sabido por todos que nuestro país Ecuador, abre sus puertas a los turistas extranjeros e inversionistas extranjeros que quieran operar legalmente en nuestro país, pero muchas veces, esta apertura se presta para que haya abusos por parte de extranjeros que tienen cuentas pendientes con la justicia de su país y creen que Ecuador es el paraíso donde nadie nunca los va a encontrar. En cuanto a la alegación de que este proceso es nulo por *MPROCEDZM* cuanto el señor CATON no tierra una talegación de que este proceso es nulo por *MPROCEDZM* cuanto el señor CATON no tiene un traductor autorizado, debo indicar señor Intendente, $T \neq N \circ \epsilon STAR$ que la persona que nos acompaña en esta audiencia si es un traductor autorizado, pues N OMBRADOYha sido nombrado por el Fiscal General del Estado para que preste su ayuda en este tipo PoSESTONA bo de diligencias, pues el Abogado PATRICIO BERMUDEZ, tiene conocimientos y es EN 2EGAL experto en los idiomas Ingles y Francés, por lo tanto no hay un vicio en este sentido. FORMA. Consta dentro del proceso que la abogada Alexandra Navarro Jouvin, encargada de los procesos de la Subdirección de Extranjería, en base a todos los antecedentes se conoce del proceso en esta audiencia, y a petición de la Fiscalía, ha procedido a cancelar la VISA 9 - VI, del ciudadano GREGORY JAMES CATON, de nacionalidad estadounidense, la cual le fue otorgada el día 11 de Septiembre del 2.007. Finalmente de) DE 1000 conformidad con el art. 19 numeral IV solicito a usted señor Intendente, sin dilaciones que disponga la Deportación a su país de origen del señor GREGORY JAMES CATON. Que es todo lo que tiene que decir en honor a la verdad, con lo que termina la presente diligencia.- Para constancia de lo expuesto, firman los comparecientes en unidad de actos pon el señor Intendente y suscrito Secretario Judicial encargado que certifica -

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In Guayaquil, twenty six days of the month of June, two thousand nine, at sixteen hours and five minutes, [Editor's Note: this meeting had to occur around December 4, 2009, so why the official record would say June 26, 2009, is a complete mystery. It is, however, completely consistent with the disregard for facts prevailing in this case] before ATTY. JULIO CESAR QUINONES, GENERAL MAYOR OF THEPOLICE DEPARTMENT OF GUAYAS and undersigned Judicial clerk as well as ATTY. ABRAHAM CHEING FALCONES, DISTRICT PROSECUTOR OF CRIMINAL, TOURISM AND IMMIGRATION AFFAIRS OF GUAYAS and Atty. DORLANDIG TOALA QUIJIJE, with professional registration no. 11370 of the Bar Association of Guayas, who is the private lawyer, appeared the North American citizen GREGORY JAMES CATON, with the object to comply with the prior Criminal Ruling of Deportation, having come together to have this respective Hearing. In this regard, being in the indicated day and hour, the Mayor proceeded to declare the present procedure open. Immediately thereafter, gave the floor to the aforesaid citizen of North American nationality, who used it and SAID: to be from LAKE CHARLES, State of Louisiana, United States of America, was 53 years old, with the profession of Businessman, with the religion of Anglican [Editor's note: SIC – this was never stated, as Caton is not, nor never has been, an Anglican, as and does not bear his documents. [Editor's note: at the time of arrest Caton had his driver's license but not his cedula or other legal papers in his vehicle]. Immediately after being read the Criminal Ruling of Deportation, he STATED: That he does not know what the lawsuit is about and what the charges are. About that subject, he could have said more than two hundred pages in English and Spanish for being a well known topic. Although it is true that Ecuador is corrupt as well as other Latin American countries, in his opinion the American Government is even more. [sic . . . this statement is a revision of what Caton actually said: he stated that his reason for being in Ecuador, among other things, was that the U.S. Government had no right to characterize Ecuador as being corrupt, since the U.S. Government has become far more so.] On the web site www.meditapia .org. [sic. www.meditopia.org] The reason why I came to Ecuador is because this country is more open to respecting other types of alternative medicine, folk healers, etc. This is all that he can state in honor of the truth. At this moment, Atty. DOARLING TOALA QUIJIJE, in his capacity as the defendant's lawyer, is given the floor and STATED: Mayor, Prosecutor, in the name and representation of Mr. GREGORY JAMES CATON, I must say in first place: I reject the Prior Investigation No. 163-2009 initiated by the Prosecutor present here for the alleged offense of Illegal Residence, for being wrongful, illegal and attempting against the Human Rights of my client. Moreover, the First Criminal Judge of Guayas released my client as the Intendente here present is informed. Intendente, in concordance with Article 9 of the Constitution of our Republic, I request the rights of this North American citizen to be respected. The right to a due process has been infringed according to Articles 75 and 76 of our Constitution as well as Article 77, numeral 7, subsection a) that states: "7. The right of all persons to defense includes: (a) To be informed, previously and in detail, in their own language and in simple words, about the claims and proceedings being filed against them and about the identity of the authority responsible

for the claim or proceedings being filed." Prosecutor, I state this because at this moment it is evident that the citizen GREGORY JAMES CATON does not understand Spanish. Here we have a translator that is not authorized and brought by the Prosecutor; this is evidence of what I just mentioned. As well as the version stated at this moment, it is evident that the very basis of Article 66, 14, second subsection has been infringed. "Foreigners cannot be returned or expelled to a country where their lives, liberty, safety or well-being or those of their families are in danger because of their ethnic belonging, religion, nationality, ideology, belonging to a given social group or political opinions." This way it is put into evidence the political differences of my client with his country of origin. - The Constitution states that foreigners cannot be returned or expelled to a country where their lives, liberty, safety or well-being or those of their families are in danger because of their ethnic belonging, religion, nationality, ideology, belonging to a given social group or political opinions. Intendente, I say that this situation does not comply with the Constitutional text because a criminal offense has been committed in the United States and it is well known that our country opens its doors to foreign tourists and investors that wish to legally operate here, but many times this opening produces abuse from foreigners that have unattended accounts with the justice of their country and therefore think that Ecuador is the paradise where nobody will find them. About the claim that this process is void because Mr. CATON does not have an authorized translator, I should indicate, Intendente, that the person who is here in this Hearing is an authorized translator since he has been assigned by the General Mayor of State to help us in this type of procedures since Atty. PATRICIO BERMUDEZ has knowledge and is an expert in the languages of English and French. Therefore, there is no defect in this sense. It is also included in this process that Atty. Alexandra Navarro Jouvin, clerk of proceedings of the Sub-directorate of Immigration, based on all the precedents and by petition of the Prosecutor's Office, has proceeded to cancel the 9-VI VISA of the citizen GREGORY JAMES CATON, with North American nationality that was issued on September 11, 2007. Finally, in compliance with Article 19, numeral IV, I request you, Mayor, without delays, to order the Deportation of GREGORY JAMES CATON to his country of origin. That this is all he states in honor of the truth, whereupon the present procedure was formalized. - As evidence of the stated, the appearing parties signed at the same time and in the same place with the Mayor and Judicial clerk who certified it.

(Illegible signatures)

LA REPUBLICA DEL ECUADOR, EN SU NOMBRE Y POR AUTORIDAD DE LA LEY, ABOGADO JULIO CESAR QUIÑONEZ OCAMPO., INTENDENTE GENERAL DE POLICIA DE LA PROVINCIA DEL GUAYAS.

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Encontrándome ejerciendo las funciones de Intendente General de Policia del Guavas, por disposición del señor Gobernador de la Provincia del Guayas, avoco conocimiento del presente Oficio No. 7405 - CP 2 - SM., fechado Diciembre 04 del 2.009 y suscrito por el ST. GALO PEREZ DAVILA, MAYOR DE POLICIA NACIONAL, JEFE PROVINCIAL DE MIGRACION DEL GUAYAS Acc., en el que se anexa el Oficio No. 009-AMCONGEN-GYE de fecha 04-12-2009, suscrito por el Sr. Capitán de Policia Wilson Reyes Pabón, en el cual adjunta el oficio No. 2189-2009-JPGP-G de fecha 03-12-2009, suscrito por el Sr. Abogado Angel Rubio Game, Juez Primero de lo Penal del Guayas, el mismo que trata sobre la detención del ciudadano de nacionalidad ESTADOUNIDENSE: JAMES GREGORY CATON .- 1º .- Que el mencionado oficio indica:- "Oficio No. 009-AMCONGEN-GYE de fecha 04-12-2009. Guayaquil, 4 de diciembre del 2009. Sr. Mayor de Policía Galo Pérez Dávila JEFE PROVINCIAL DE MIGRACION DEL GUAYAS Acc. En su despacho.- Mi Mayor: Por medio del presente me dirijo a Usted muy respetuosamente para hacerle conocer ue el ciudadano CATON JAMES GREGORY, de nacionalidad estadounidense se encuentra detenido desde el día de ayer 3 de Diciembre del presente en el Centro de Detención Provisional del Guayas, por orden del Sr. Intendente General de Policia. Adjunto al presente el Oficio Nro. 2189-2009-JPGP.G de fecha 3 DE Diciembre del 2009, emitido por el Ab. Ángel Rubio game, Juez Primero de Lo Penal del Guavas, en donde se dispone que el ciudadano CATON JUAMES GREGORY de nacionalidad estadounidense sea puesto a órdenes del sr. Intendente General de Policía. Particular que me permito poner en su conocimiento para los fines pertinentes. De Ud., Muy atentamente. DIOS, PATRIA Y LIBERTAD WILSON REYES PABON CAPITAN DE POLICIA OFICIAL COORDINADOR DEL CONSULADO AMERICANO." Oficio No. 2159-JPGP-G Guayaquil, diciembre 3 del 2.009 Señor JEFE DE LA POLICIA JUDICIAL DEL GUAYAS. Ciudad.- De mis consideraciones: Dentro de la Indagación Previa No.2159-2009 iniciada por el señor Doctor Abraham Cheing Falcones, Agente Fiscal de Lo Penal del Guayas, se ha dispuesto oficiar a usted, a fin de comunicarle que se ha ordenado la inmediata libertad del ciudadano GREGORY JAMES CATON, de nacionalidad norteamericana, para cuyo efecto se adjunta la respectiva boleta de libertad girada a su favor, además se le hace conocer que dicho ciudadano será puesto a órdenes del Señor Intendente General de Policía del Guayas, para su respectiva deportación a su país de origen.". Sic.- Como lo anteriormente relatado, constituye infracción de las que trata la Ley de Migración vigente, de conformidad con lo establecido en el Art. 23 de la Ley de la materia, dicto la presente Acción Penal de Deportación, en contra del ciudadano de nacionalidad ESTADOUNIDENSE: JAMES GREGORY CATON., debiéndose cumplir con lo siguiente:- 1º.- Convocase al mencionado ciudadano, para la realización de la Audiencia, la que se señala para el próximo día 04 de Diciembre del 2.009, a partir de las 14H00, a la que deberán concurrir el ciudadano extranjero sujeto a la presente Acción, 2º,-Cuéntese con los Señores DR. ABRAHAM CHEING FALCONES, AGENTE FISCAL DISTRITAL DE LO PENAL, TURISMO Y ASUNTOS MIGRATORIOS DEL GUAYAS y Ab. CCARLOS MOSQUERA, a quién se designa en calidad de Defensor de

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Oficio, a quienes deberá citárselo en legal forma con el presente auto. 3º.- Cítese con este auto al accionado ya mencionado. 4%- Oficiese a la Jefatura Provincial de Migración del Guayas, a efecto que el ciudadano en mención, sea trasladado hasta este Despacho en el día y hora señalada para la realización de la Audiencia ordenada 5º -- Oficiese de la Jefatura Provincial de Migración del Guayas, para que se remita el movimiento migratorio que registre dicha ciudadana - Actúe el Sr. Ab. Roberto Mosquera Tayne, en calidad de Secretario Judicial encargado del Despacho.-Dado y firmado en la Sala del Despacho, en la Intendencia General de Policía del Guayas, a los cuatro días del mes de Diciembre del dos mil nueve, a las once horas - CITESE y NOTIFIQUESE Y AND DEPARTMENT > YA HAND eral debier maker a free failed 1 des AND THE REPART OF STREET when we a card to to the set of the set of the part of the set a will an one we like a state of the we are not concerned that in the state of the state of the and the material property and with the standard the standard and the stand All a de la ser de la The interreption of gradient time ton my first on at some of the bug grades Contraction of the second s Second State of South 0.040012 - 4978 A PARTY REAL PROPERTY PROPERTY IN THE SHORE SHEET AND ADD ADD 4. 1. 1. O. S. and the sound of the second sport the second state of the second s give blacks at the 主。1934年3月1月日,1 the local state bet all any frict if we dole many and reaction and functions of the art of the state of the state of the state of the We address of the second stands of a district of the owner the destret of house in The second second country and some and bar is an entertained and the second second second second second second

THE REPUBLIC OF ECUADOR, ON ITS BEHALF AND BY AUTHORITY OF LAW, ATTORNEY JULIO CESAR QUINONEZ OCAMPO, GENERAL MAYOR OF THE POLICE DEPARTMENT OF GUAYAS.

WHEREAS:

Acting in the capacity as General Mayor of the Police Department of Guayas, as ordered to me by the Governor of the Province of Guayas, I take over this present Official Action number 7405- CP 2 -SM of December 4, 2009 and undersigned by Mr. GALO PEREZ DAVILA, CHIEF OF THE NATIONAL POLICE, acting PROVINCIAL HEAD OF IMMIGRATION OF GUAYAS which is annexed by Official Action number 009-AMCONGEN-GYE of 04-12-2009, undersigned by Captain of Police Wilson Reyes Pabon that is attached by Official Action number 2189-2009-JPGP-G of 03-12-2009 undersigned by Attorney Angel Rubio Game, First Criminal Judge of Guayas, which is about the arrest of the NORTH AMERICAN citizen GREGORY JAMES CATON. 1. - That the mentioned Official Action number states: "Official Action number 009-AMCONGEN-GYE of 04-12-2009. Guayaquil, December 4, 2009. Chief of Police Galo Perez Davila, Acting PROVINCIAL HEAD OF IMMIGRATION OF GUAYAS. Hand delivered. My Chief: Hereby, by way of this letter, I respectfully inform you that the citizen GREGORY JAMES CATON of North American nationality was arrested in the Provisional Detention Center of Guayas yesterday, December 3rd, by order of the General Mayor of the Police Department. Annexed to this document is the Official Action number 2189-2009-JPGP-G of December 3, 2009 issued by Atty. Angel Rubio Game, First Judge of Criminal Guarantees of Guayas where it is stated that the citizen GREGORY JAMES CATON, of North American nationality be under orders of the General Mayor of the Police Department. This is what I hereby notify for all legal purposes. Sincerely, God, Fatherland and Liberty- (Illegible signature) WILSON REYES PABON, POLICE CAPTAIN, COORDINATOR OF THE AMERICAN CONSULATE", "Official Action number 2159-JPGP-G Guayaquil, December 3, 2009. HEAD OF THE JUDICIAL POLICE OF GUAYAS- City- to Whom It May Concern- In the Prior Investigation No.2159-2009 initiated by Doctor Abraham Cheing Falcones, Prosecutor of Guayas, it is ordered to notify with the purpose of informing you that the immediate release of the North American citizen GREGORY JAMES CATON has been ordered. For that effect, the respective release order is annexed. Also, we inform you that such citizen will be put under orders of the General Mayor of the Police Department of Guayas for the respective deportation to his country of origin." Sic. – As aforesaid, it is an infringement that the current Immigration Law states in accordance with Article 23 of the Law being discussed, I issue the present Criminal Prosecution of Deportation against the NORTH AMERICAN citizen JAMES GREGORY CATON. It must be complied with the following: - 1. - To summon the mentioned citizen in order to carry out the Hearing set for December 04, 2009 at 14H00, to which the foreign citizen must attend since he is subject to the present Prosecution. [emphasis added] 2. – It is ordered to count with the presence of DR. ABRAHAM CHEING FALCONES, DISTRICT PROSECUTOR OF CRIMINAL, TOURISM AND IMMIGRATION AFFAIRS OF GUAYAS and Atty. CARLOS MOSQUERA, in his capacity as a public defender. They must be summoned in a legal form with the present decision. 3. – It is ordered to summon the above mentioned defendant with this decision. – 4. – Officially notify the Provincial Office of Immigration of Guayas for the purpose of having the aforesaid citizen transferred to this Court on the appointed day and hour in order to carry out the ordered Hearing. 5. – Officially notify the Provincial Office of Immigration of Guayas so that the migratory movement registered by the mentioned citizen can be sent. – Atty. Roberto Mosquera Tayne must act in his capacity as the Judicial Clerk in charge of the Court. - Issued and signed at the Court of the General Mayor's Office of the Police Department of Guayas on December four, two thousand nine, at eleven o'clock. It is ordered to summon and notify.

I certify -

(Illegible signature)