

Facing Charges in México?

*German Jalil Terriquez Córdova
AKA "Licenciado Transparente"*

Here is everything you need to know to avoid being arrested in Mexico and how to get out of prison if you are already in jail.



**Need a
consultation?
Contact us**



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Testimonials


 “They promptly answered all our legal questions and addressed our concerns. Having worked for the Public Ministry, Mr. Terríquez had insight into the legal process that other lawyers would not have had. Everyone at the firm is professional, friendly, and helpful. I am confident they will resolve our case successfully.”


 “I live in Los Angeles, but I go to Tijuana every weekend with my family. I was told that I might have an arrest warrant. They helped me verify it, and I had no problem. They helped me regain my peace of mind.”


 “I fully recommend this firm. Quick responses via WhatsApp, precise information, and solid free consultations. They helped my friend with an immigration issue very quickly in Tijuana. They know what they are doing.”


 “Mr. Germán Terríquez, I want to thank you and your team at Justicia Transparente. You took your time and made every effort to ensure a favorable outcome in a difficult case. My brother, a U.S. citizen, was represented by you in Mexico. My family and I are forever grateful. If anyone needs legal representation, they should definitely hire Justicia Transparente. Thank you, Mr. Terríquez and your team!”


 “Customs in Tijuana arrested my partner for carrying a 9mm weapon. He was released immediately. 100% recommended.”


 “My son was arrested at the San Ysidro border because he forgot he had cannabis with him. He was detained and sent to prison in Zona Río. The lawyers at Justicia Transparente helped us secure his release in less than two days. Highly recommended.”


 ***“My brother was arrested at the border for carrying marijuana, which he needs for anxiety treatment. We were completely lost in the Mexican legal system. Thanks to a referral, we trusted Germán and the attorneys at Justicia Transparente to secure his release. I highly recommend them.”***


 ***“Attorney Germán Terríquez Córdova, we can’t thank you enough. Justicia Transparente guided and represented us through a difficult situation. My friend got into legal trouble in Mexico, and Justicia Transparente helped us get him out of jail and back home. Attorney Terríquez provided constant communication and guided us through the unknown in a foreign country. We will keep their contact information handy for future trips to Mexico.”***

 ***“My name is Russell, and I want to share my experience with Justicia Transparente. I was arrested on Thanksgiving night in 2022 for accidentally bringing a gun into Mexico at the Mexicali border. Germán and his team visited me in jail, explained my options, and worked hard to secure my release through a plea bargain. It took five weeks, but I know they did their best. I highly recommend their services.”***

 ***“Germán Terríquez and his team did a phenomenal job handling my legal matters. He was thorough in explaining the law and what to expect. He frequently asked if I had any questions or concerns. I consulted multiple lawyers in Mexico before finding his firm, and his service was far superior to the others I considered hiring. I highly recommend Justicia Transparente and Germán Terríquez!”***

 ***“Excellent criminal defense lawyers. My case involved an arrest at customs for cannabis. They explained everything clearly from the beginning and successfully secured the release of the person involved. Highly recommended.”***

 ***“My son and his girlfriend got into serious legal trouble while entering Mexico. The U.S. Consulate in Tijuana advised me to contact Justicia Transparente. I entrusted them with the legal defense, and within 12 days, my son and his girlfriend were released. They worked tirelessly, day and night, to achieve this. They were so honest that they even helped me visit my son in prison and ensure his personal needs were met. I highly recommend this law firm if you face legal issues in Mexico.”***

 ******“My brother was recently charged with a criminal offense, and I was incredibly stressed and scared. I didn’t know what to do or who to turn to. I called the U.S. Embassy, and they recommended Justicia Transparente. I’m so grateful they did.***

Germán and Gonzalo were incredibly fast in responding to my inquiry. They took the time to understand my brother's case and explain our options. They were honest and upfront about the potential outcomes but also gave me confidence that they would fight for us.

I was particularly impressed with their integrity. They were always honest, even when it wasn't what I wanted to hear. They never made promises they couldn't keep and always put my interests first.

In the end, they got the case dismissed. We are so grateful for their help, and I highly recommend them to anyone facing criminal charges in Mexico, especially those coming from the U.S." **

If you need legal assistance in Mexico, Justicia Transparente is here to help you.



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Mexican drug laws: 6 main points you need to know

Mexico has strict laws and severe penalties for individuals caught with prohibited or regulated drugs. Although there are laws that specify limits for personal use, the reality is that foreign citizens may be arrested and sent to jail in such cases. This is because the law does not establish a clear procedure for police officers to determine the quantity or type of drug, which does not prevent individuals from being referred to the prosecutor's office. Here are some tips and key points regarding Mexican laws related to drug use.

MEXICAN DRUG LAWS: MAIN POINTS TO CONSIDER

- **Usage Restrictions:** Mexican law only permits certain drugs to be used for personal consumption, which are the following:
 - **opium (2 grams)**
 - **Heroin (50 milligrams)**
 - **Cannabis Sativa, Indica or Marijuana (5 grams)**
 - **Cocaine (500 milligrams)**
 - **LSD (0.015 milligrams)**
 - **MDA or love pill (40 milligrams)**
 - **MDMA also known as ecstasy or molly (40 milligrams)**
 - **methamphetamine (40 milligrams)**
- **You do not need a license issued by any Mexican authority to consume drugs for personal use:** You do not need to apply for a permit to consume drugs in the quantities established in the first point. However, it is advisable to engage in these activities in private spaces or places other than public areas. This recommendation is due to the fact that police officers do not have a defined procedure to follow if they catch someone with drugs on the street. They will not determine the type or amount of the drug, as police officers are neither chemist and not carry scales with them. As a result, you will likely be arrested so that the public prosecutor can verify the legal situation. It's better to avoid doing so.
- **Licenses and Permits:** It is possible to consume drugs in quantities greater than those indicated in the first point or even other types of drugs; however, this is only allowed for medical reasons. You will need a prescription from a doctor who has prescribed that drug, and you must have obtained it from an established pharmacy.

Regarding marijuana and its derivatives, you can consume amounts exceeding those established in the first point as long as you have obtained a court order from a human rights judge in Mexico (known in Mexico as an “amparo”) allowing you to do so. This is because Mexican law recognizes the use of marijuana as a human right linked to the free development of personality.

- **Do not travel with drugs to Mexico (you could face sentences of up to 25 years in prison):** Mexican criminal law imposes severe penalties for individuals entering Mexico through the U.S. border or its airports. The reason is that there is a specific crime for those who introduce drugs, and in these cases, it doesn't matter if the drug is small or does not exceed the amount allowed for personal consumption. Therefore, you should avoid making this mistake.
- **Mexican beaches are not “drug consumption-free zones.”:** Mexican authorities have never designated Mexican beaches as areas where drugs can be freely consumed. So, don't fall for that trap by companies making such claims. The reality is that if you are caught with drugs by the tourist police on any Mexican beach, you will be arrested for drug-related offenses
- **Penalties:** Most penalties related to drug possession are low, starting with sentences of 10 months in prison. This penalty applies to those who possess drugs exceeding the amount allowed for personal use and can usually be resolved through a deal with the prosecutor, where the offender commits to not doing it again and begins a detoxification treatment. However, there are penalties that can go up to 25 years in prison for individuals who bring drugs into Mexico or travel on Mexican highways with drugs and are arrested by a police officer on a freeway.

3 Things You Need to Know About Arrests for DUI AND DWI in Mexico and Their Legal Consequences

Arrests in Mexico for DUI or DWI, such as cannabis or cocaine, are considered serious offenses and can result in immediate imprisonment.

However, it's important to note that Mexican law imposes harsher legal consequences for those caught driving under the influence for a second time. Additionally, if you were involved in an accident that resulted in the death of a person or caused serious injuries, you could face significant prison sentences for these actions.

Another crucial point to consider is that if the police find drugs in your vehicle during an inspection, you may also face charges for drug possession and, if proven by the prosecutor, drug trafficking.

In this article, we will explain the three most severe charges related to these criminal behaviors and how to address them if you find yourself involved.

1. Penalties for DUI Charges Without Causing a Traffic Accident or Hit-and-Run

If you are arrested for driving under the influence of alcohol, you will not face criminal penalties if it is your first offense in Mexican territory. In this case, you will only need to pay the fine set by the county, which is approximately \$500 USD.

However, if you are arrested a second time within a 3-year period from your first DUI arrest, you could face penalties ranging from 6 months to 3 years in prison.

This is stated in Article 255 of the Criminal Code in the state of Baja California, where Tijuana is located:

“Article 255 – Offense and Punishment:

Anyone who drives a motor vehicle while intoxicated or under the influence of narcotics, psychotropic substances, or other substances that impair or disrupt proper driving will not be punished for a first offense, provided no harm has been caused to persons or property. However, the arresting authority will present the individual to the Municipal Administrative Authority (county) designated by regulations, which will create a record to establish a precedent.

The individual will be formally warned that if they repeat this behavior within three years, they will be referred to the judicial authority. If found guilty, in addition to the penalty provided in the final paragraph of this article, they will be subjected to the security measure of treatment for dependency on alcoholic beverages, narcotics, and psychotropic substances, in accordance with Articles 55, Section II, and 60 of this Code.

When damage is caused to persons and/or property, a prison sentence of six months to three years will be imposed, along with a fine ranging from fifty to five hundred times the daily value of the Unidad de Medida y Actualización (Unit of Measurement and Update) and a suspension of up to one year of the right to drive motor vehicles. The same penalty will apply to anyone who, within the specified period starting from the warning, engages in the same conduct described in the first paragraph of this article.”

2. Driving Under the Influence of Drugs or Alcohol and Being Arrested at Customs When Entering Mexico.

If you are arrested upon entering Mexico from the United States by customs agents and it is determined that you are under the influence of alcohol or any type of drug, the penalties outlined in point number one of this article will apply. It’s important to note that authorities typically consider you under the influence of alcohol if you have consumed three or more beers or any type of alcoholic beverage. Similarly, drug consumption will be confirmed if you have taken even a single dose of any drug, such as cannabis, fentanyl, cocaine, or other commonly used substances.

The more serious issue arises if you are found with drugs in your vehicle. This will be considered drug smuggling into Mexican territory, which carries penalties of 10 to 25 years in prison. Customs officers have the right and obligation to inspect your vehicle, and if they find drugs like those mentioned, you could face imprisonment for the previously stated duration.

The Criminal Penal Code establishes the following regarding drug smuggling:

“Article 194 – A prison sentence of ten to twenty-five years and a fine of one hundred to five hundred days’ wages will be imposed on anyone who:

II. Introduces or extracts from the country any of the narcotics listed in the previous article, even if temporarily or in transit.

If the introduction or extraction referred to in this section is not completed, but it is clear from the actions taken that this was the agent’s intention, the applicable penalty will be up to two-thirds of the sentence specified in this article.”

3. Penalties for Driving Under the Influence of Drugs or Alcohol and Causing Death in a Traffic Accident

If you drive under the influence of drugs or alcohol within Mexican territory and, as a result of a traffic accident, cause the death of another person, this is considered a serious crime. However, Mexican criminal law allows you to reach agreements with the victim in order to settle the case and regain your freedom. Typically, these cases in Mexico are resolved by paying for the damages caused to the vehicles and covering the costs associated with the death of a person, which amounts to around \$30,000 dollars, plus approximately another \$5,000 dollars for funeral expenses.

If an agreement with the victim is not reached, the prosecutor may seek to declare you guilty of this crime. If you accept responsibility, you may be granted release under the benefits provided by Mexican law, by paying the \$35,000 previously mentioned for the costs related to the death of a person.

This is what criminal law establishes in the case of death caused by driving under the influence of drugs or alcohol.

“Article 75 – Punishment for Reckless Crimes

Reckless crimes will be punished with imprisonment from three days to five years, a fine of up to three hundred days, and suspension for up to five years or permanent loss of the right to practice a profession or trade. When, as a result of the reckless behavior of

employees from passenger or freight transportation companies, public service providers, or those authorized by competent authorities, a homicide occurs, the penalty will be from two to eight years of imprisonment, a fine of up to three hundred days, dismissal from employment, position, or commission, and disqualification from obtaining similar positions.

When, due to recklessness and as a result of vehicle traffic, a homicide is committed, and the responsible party is driving under the influence of alcohol or drugs (including narcotics, psychotropic substances, or other impairing substances), or uses a communication device that hinders or disrupts their proper driving, the penalty will be from three to eight years in prison and a fine of up to five hundred days.

When the reckless crime occurs due to vehicle traffic, the judge or trial court may impose a penalty of suspension for up to five years or permanent loss of the right to obtain a license to drive motor vehicles.”

Quintana Roo Marijuana Laws

The laws regarding marijuana in Mexico are federal; however, Quintana Roo (Cancun, Playa del Carmen and Tulum) have a high rate of marijuana consumption, which makes it important to conduct a specific study on the case.

In Quintana Roo, the personal consumption of marijuana or cannabis is decriminalized, allowing a maximum possession of 5 grams (The law establishes that). However, to possess larger quantities of marijuana or cannabis, it is necessary to have an order from a human rights judge that authorizes the possession of the desired amount, as it is a human right for the free development of personality.

However, possessing more than 5 grams without this human rights judge's order could lead to prison sentences of at least 10 months and up to 25 years, as well as fines of up to approximately 3,000 dollars.

The crimes established by Mexican criminal law for marijuana-related offenses are as follows:

The concept of possession is established by Article 473, Section VI, of the General Health Law

VI. Possession: the material possession of narcotics or when they are within the action range and availability of the person.

Crime of Possession of Marijuana

Article 477. A sentence of ten months to three years in prison and up to eighty days of fines will be applied to those who possess any of the narcotics listed in the table in an amount less than that resulting from multiplying the amounts listed in that table by one thousand, without the authorization referred to in this Law, when, given the circumstances of the act, such possession cannot be considered intended for commercialization or distribution, even for free.

No criminal action will be pursued for this offense against those who possess medications containing any of the narcotics listed in the table, whose sale to the public is subject to special acquisition requirements, when, due to their nature and amount, such medications are necessary for the treatment of the person possessing them or other people under the custody or care of the person who has them in their possession.”

Article 478:

The Prosecutor will not exercise criminal action for the crime described in the previous article against those who are drug-dependent or consumers and possess any of the narcotics listed in the table, in an amount equal to or lower than that specified in the same table, for their strictly personal use, and outside of the places mentioned in Section II of Article 475 of this Law. The Ministry will inform the consumer about the location of institutions or centers for medical treatment or orientation for the prevention of drug dependence”.

Crimes Established in the Federal Criminal Code

“Article 195:

A sentence of five to fifteen years in prison and a fine of one hundred to three hundred and fifty days will be imposed on anyone possessing any of the narcotics mentioned in Article 193, without the corresponding authorization referred to in the General Health Law, as long as the possession is intended to carry out any of the actions specified in Article 194 of this code.

The possession of narcotics may be investigated, prosecuted, and, where appropriate, penalized by common jurisdiction authorities according to the terms of the General Health Law, when the conditions of Article 474 of this law are met.

When the accused possesses any of the narcotics listed in the table provided in Article 479 of the General Health Law, in an amount equal to or greater than the amount resulting from multiplying by one thousand the quantities mentioned there, it is presumed that the possession is intended to commit any of the actions described in Article 194 of this code.”

Table of Personal Drug Consumption in Mexico

Artículo 479.- Para los efectos de este capítulo se entiende que el narcótico está destinado para su estricto e inmediato consumo personal, cuando la cantidad del mismo, en cualquiera de sus formas, derivados o preparaciones no exceda de las previstas en el listado siguiente:

Tabla de Orientación de Dosis Máximas de Consumo Personal e Inmediato		
Narcótico	Dosis máxima de consumo personal e inmediato	
Opio	2 gr.	
Diacetilmorfina o Heroína	50 mg.	
Cannabis Sativa, Indica o Marihuana	5 gr.	
Cocaína	500 mg.	
Lisergida (LSD)	0.015 mg.	
MDA, Metilendioxfanfetamina	Polvo, granulado o cristal	Tabletas o cápsulas
	40 mg.	Una unidad con peso no mayor a 200 mg.
MDMA, dl-34-metilendioxi-n-dimetilfeniletilamina	40 mg.	Una unidad con peso no mayor a 200 mg.
Metanfetamina	40 mg.	Una unidad con peso no mayor a 200 mg.

3 Most Common Police Investigations for Gun Charges in Mexico

The Mexican Attorney General's office and police work tirelessly to reduce insecurity in Mexico, making arrests related to gun charges a priority. If you are under investigation for a gun-related offense (learn about penalties in Mexico for firearm charges), it's important to understand the types of investigations the Attorney General and investigative police may conduct.

Search Warrants for Residences

Most gun charges investigations in Mexico are conducted via a search warrant, which a judge can issue to the Attorney General. When the Attorney General's office receives information that someone possesses a firearm at their residence, they work to obtain a search warrant immediately. The police present the information to the Attorney General, who drafts a search warrant, then submits it to the judge who authorizes the search for the firearm. There are two ways police may enter a private residence for a firearm investigation:

Authorization from the Person Living in the Residence where the Gun is Located

If there is information that an illegal firearm is present in a private residence, police may enter the residence and secure both the firearm and the individual in possession of it., Article 290 of the Mexican Criminal Procedure Code regulates this provision:

Article 290. Entry of Authority into a Place Without Judicial Authorization

Entry into a closed place without a judicial order is justified when:

I. It is necessary to repel an actual, imminent, and unjustified attack that endangers the life, integrity, or personal freedom of one or more people, or

II. It is carried out with the consent of the person authorized to grant it.

The Attorney General must appear before the judge within five days after this action to ensure that the rights within the criminal process have been respected.”

Judge Order to Enter the Private Residence (Search Warrant)

When the Attorney General has evidence that there is a firearm in a residence, warehouse, business, or any private property, a judicial order from a judge is required for authorities to enter and seize the gun. If someone is found in possession, they may be arrested. Articles 282 and 283** of the Mexican Criminal Procedure Code set the guidelines for a search warrant.

“Article 282. Search Warrant Request

When the Attorney General determines that a search is necessary because the place in question is a private residence or property, they must request judicial authorization to conduct the investigation. The request, which will be recorded, must specify the location to be searched, the person(s) to be apprehended, and the objects sought, along with the reasons and evidence supporting the need for the order, and which public officials may carry out the investigation.

If the area to be inspected is accessible to the public but part of the private residence, it may not be subject to a search unless ordered otherwise.”

How Police Officers May Investigate a Vehicle for Gun charges

Mexican police may search a vehicle without a warrant if, during a traffic stop or if there is reason to believe a crime has been committed and the vehicle is in transit. In these situations, the officer may conduct a thorough search of the vehicle and, if a firearm is found, arrest the person and refer them to the Attorney General’s office.

At a border customs checkpoint, customs agents may ask if you are carrying firearms, search your luggage, or carry out their duties. If firearms are found, you may be arrested and referred to the Public Ministry.

Vehicles that are parked without the driver present may only be searched if they are violating a traffic law or someone has reported to 911 that there is a firearm inside the vehicle. In these cases, a judge's order is not required to inspect the vehicle; however, the owners cannot be arrested if they are not near the vehicle or if they do not claim the firearm as their property.

When Someone May Learn They Are Under Investigation

Mexican officers, customs agents, and police will do everything possible to prevent someone from realizing they are under investigation to prevent them from fleeing. If you are not arrested when found in possession of a firearm, you will only find out you are under investigation if summoned to the Attorney General's or judge's office.

5 serious charges in Mexico that lead to extradition orders to the United States

Under Mexican criminal law, the prosecutor, with the go-ahead from a Mexican criminal judge and approval from Mexican diplomatic authorities, can issue extradition orders against people who've been accused of a crime and are known to be currently in the United States.

While it's true that the only legal requirement is that the crime being investigated in Mexico also exists in the United States and that there's an international treaty between both countries (which does exist), in practice, it's really only for these 5 crimes that the prosecutor goes through the motions to seek extradition and arrest the accused on U.S. soil with the help of Interpol.

Special Topics Related to the Seriousness of Being Arrested for Extradition

- If you've fled the country after finding out you're under investigation for a crime, it can mean the prosecutor can prove to the judge that you're a danger if left free. This means that paying bail to be released while your guilt or innocence is decided is likely not an option.
- Extradition requests happen when the prosecutor has a serious interest in making sure the accused faces punishment. In these cases, you can be sure the prosecutor and the Mexican state are heavily invested, which will make your defense and release a lot harder.
- If you're worried or think you might have an extradition order, there are ways to check in Mexico to see if that's the case. Get in touch with Justicia Transparente for legal solutions.

Rape

In Mexico, rape is a serious crime that can lead to up to 30 years in prison for the most severe cases.

Right now, there's a strong feminist policy in Mexico to immediately investigate and punish any crime committed against women, especially if the victim is a minor. It's not

uncommon for Americans to face these accusations when they're vacationing in Mexico or visiting entertainment spots like the Hong Kong Club in Tijuana.

Section 265: It's considered rape when someone, through physical force or intimidation, has intercourse with a person of any gender. The penalty for this crime is a prison sentence ranging from eight to twenty years.

Sexual Assault

Sexual assault is a crime that carries lighter penalties compared to rape, with sentences that can go up to 20 years in the most serious cases, especially when minors and physical violence are involved.

Extradition requests are pretty common in these cases. If the prosecutor gets solid information identifying the accused and confirms that they're in the U.S., that's usually enough to kick off the extradition process. The prosecutor often investigates cases involving child sexual abuse and the use of digital apps to facilitate these crimes. Just a reminder: in Mexico, the age of consent is 18. You can check out our article that covers this topic in detail.

Article 260: Sexual abuse occurs when someone, without consent, performs or forces someone else to perform sexual acts on themselves or others, without the intent of intercourse. Those who commit this crime face six to ten years in prison and up to a two-hundred-day fine.

Gun-Related charges

In Mexico, unlike the U.S., carrying firearms is illegal in most cases and can lead to sentences of up to 15 years in prison. Check out our blog to get the full scoop on penalties for different types of gun-related crimes.

Usually, these arrests of U.S. citizens happen when they cross the border from the States into Mexico at customs. Tijuana, Mexicali, and Ciudad Juárez are the hotspots where this happens most often.

In many cases, U.S. citizens who are arrested manage to get released but must agree to return for court dates to follow up on their case. However, more often than not, they go back to the U.S. and don't return to Mexico. If that happens, an extradition order could be issued against you.

Drug-Related Crimes

Drug busts in Mexico often happen when people are crossing over from the U.S. at customs. The usual suspects are drugs like weed, cocaine, and fentanyl.

Even if you're not some big-time drug lord, Mexico doesn't play around with this stuff. You can face some serious time—up to 30 years in prison (you can dive into the penalties a bit more in this article). That's why this is one of the top crimes that the Mexican government looks to extradite people for.

Murder

Murder is one of the most serious crimes in Mexico right now, with penalties that can hit up to 70 years in prison.

Crimes against women (known as femicides in Mexico) and violent murders (first-degree murder) are situations that prosecutors investigate pretty quickly and efficiently, so extradition will definitely be on the table if you're being accused of these crimes.

Criminal law legal terms in Mexico

We frequently need to review legal terms in Mexico related to criminal law and understand their meaning, either due to a problem within this country or the need to verify if we are being accused of a crime or if there is a possibility of releasing someone through bail or another legal figure. In this article, we will explain the most common terms in the Mexican criminal process.

1. Appeal

We frequently need to review legal terms in Mexico related to criminal law and understand their meaning, either due to a problem within this country or the need to verify whether we are being accused of a crime or if there is a possibility of releasing someone through bail or another legal mechanism. In this article, we will provide an explanation of the most common terms in the Mexican criminal process.

An appeal in Mexico is a request directed to a higher-ranking court composed of three judges called “magistrates.” These judges hold a higher rank than the judge handling the criminal process. Therefore, this appeal request is submitted when there is disagreement with the decision made by the judge presiding over the case.

Unlike appeals in the United States, in Mexico, several decisions made by the judge can be appealed, not just the verdict declaring whether the person is guilty or not guilty.

Some of the most common decisions are as follows:

- Judge’s refusal to accept a plea bargain (also plea agreement or plea deal): The Mexican criminal process allows, in certain less serious crimes, agreements between the victim, the defendant, and the prosecutor to close a case without the need for imprisonment. These agreements typically involve paying compensation to the victim and taking actions to ensure that the crime will not be repeated against the victim.
- The judge’s refusal to issue or cancel an arrest warrant.
- The imposition of excessive imprisonment or guarantees against the accused during preliminary hearings: The Mexican criminal process allows for the possibility that the accused may be sent to prison based on the circumstances of the criminal case,

such as the accused not having a residence in Mexico or the severity of the crime they are being charged with.

- The sentence issued by the judge in the criminal case: If there is disagreement with the sentence issued by the judge, the defendant, the victim, or the public prosecutor may file an appeal in an attempt to change the outcome of the sentence.

2. Bail

Bail payments in Mexico differ from those in the United States, as release through bail payments in Mexico is carried out under different legal mechanisms established by the Mexican criminal process.

Agreements with the victim and the prosecutor or convincing the judge that the accused should not be in prison and that the payment of bail is sufficient to ensure the accused attends preliminary hearings are some of the strategies used to achieve a result similar to bail in the United States—that is, regaining freedom through the payment of a sum of money.

3. Accomplice

The concept of complicity exists in Mexico and is punishable in most cases with the same penalties that may be imposed on the actual perpetrator of the crime.

Anyone who assists another in committing a crime will also be held responsible for it and must face the penalties established by Mexico's criminal codes.

Crimes such as rape, murder, fraud, weapons possession, drug offenses, and any crime in which someone participates as an accomplice must be answered for under Mexican criminal law.

4. Admission

I have good news for you: in Mexico, confessions are not considered evidence. The Mexican Constitution states that a confession cannot be used as evidence to establish guilt in Mexico.

However, the accused may plead guilty to the charges brought by the prosecutor, but the judge is prohibited from issuing a conviction based solely on the defendant's confession. There must be additional evidence against the person in order to send them to prison.

5. Accused

Article 112 of the law governing the Mexican criminal process defines the term "accused person" as follows:

A person will be generally referred to as "imputed" (defendant) when they are identified by the Public Prosecutor as a possible perpetrator or participant in an act that the law classifies as a crime. Additionally, a person is referred to as "accused" when charges have been formally brought against them, and as "sentenced" when a verdict has been issued against them, even if it has not yet become final.

6. Arraignment

In Mexico, preliminary hearings are intended to formally charge the accused with the offenses they will be investigated for, to have the judge determine if the evidence presented by the prosecutor at that time is sufficient to proceed with the investigation, and finally, to establish the measures the accused must comply with during the criminal process (bail, electronic monitoring, imprisonment).

You can read from Articles 307 to 320 of our book, which explains the Mexican criminal process, to better understand the rules of preliminary hearings.

7. Search warrant

These orders to search a private residence in Mexico must be issued by a judge and can only be granted to the prosecutor when they provide evidence that necessary evidence to support a crime exists at the residence or when there is certainty that the accused is present within the premises. These are the articles specified by the law that govern search warrants in Mexico.

Article 282. Request for a search warrant.
When in the investigation the Public Prosecutor deems it necessary to carry out a search,

because the place to be inspected is a home or private property, it will request by any means the judicial authorization to carry out the corresponding act of investigation. The request, which will have a record, will state the place to be inspected, the person or persons to be apprehended and the objects sought, indicating the reasons and indications that support the need for the order, as well as the public servants who may practice or intervene in said act of investigation.

If the place to be inspected is publicly accessible and is part of the private residence, the latter will not be subject to a search, unless it has been so ordered.

Article 283. Resolution ordering the search. The judicial decision ordering the search must contain at least:

- I. The name and position of the Control Judge who authorizes it and the identification of the process in which it is ordered;
- II. The concrete determination of the place or places that will have to be searched and what is expected to be found in them;
- III. The reason for the search, having to indicate or express the indications from which the possibility of finding in the place the person or persons who have to apprehend or the objects that are sought;
- IV. The day and time on which the search must be carried out or the determination that, if it is not carried out within the three days following its authorization, will be without effect when the exact date of completion is not specified, and
- V. Public servants authorized to practice and intervene in the search. The search warrant request must be resolved by the judicial authority immediately by any means that guarantees its authenticity, or in a private hearing with the sole appearance of the Public Prosecutor, within a period not exceeding six hours after it was filed. has received. If the resolution is issued or registered by means other than writing, the operative points of the search warrant must be transcribed and delivered to the Public Ministry.

8. Beyond reasonable doubt

This constitutional principle also applies in Mexico: the judge must convict when there is no doubt that the accused committed the crime, when it is the most credible hypothesis for the judge, and when there is no evidence against it that raises doubt about whether the accused committed the crime.

9. Admissible Evidence

In Mexico, all evidence is admissible in the criminal process as long as it does not violate human rights, is not excessive, irrelevant, unnecessary, or declared null.

Evidence is obtained in violation of fundamental rights when it is acquired through human rights violations, such as obtaining a statement through torture.

Evidence is considered excessive when there are already many pieces of evidence in the criminal process to establish the same facts.

Evidence is irrelevant and unnecessary when it is not related to the accused facts.

10. Criminal Charge

In Mexico, the criminal charge is called “imputación” (indictment) before the oral trial, or “acusación” (accusation) during the oral trial.

Criminal charges are presented by the public prosecutor. You can review the concepts of “imputación” and “acusacion” in the following articles.

Article 311. Procedure to formulate the imputation. Once the defendant is present at the initial hearing, because his appearance has been ordered, because an arrest warrant has been executed against him or the arrest has been ratified, and after the control judge has verified that the accused knows his fundamental rights within the criminal procedure or, where appropriate, after having been made known, the floor will be offered to the agent of the Public Ministry so that he exposes to the accused the fact that is attributed to him, the preliminary legal qualification, the date, place and manner of its commission, the form of intervention that it has had in it, as well as the name of its accuser, unless, in the opinion of the control judge, it is necessary to reserve their identity in the cases authorized by the Constitution and by law.

The Control Judge at the request of the accused or his Defender, may request the clarifications or precisions that he deems necessary regarding the accusation formulated by the Public Ministry.

Explanation: At this point the prosecutor will make a presentation of the criminal act by communicating in the second person to the accused.

It is important to point out that the formulation of the accusation is a procedural act that cannot subsist without the presence of the accused, so if he is not in the courtroom for any reason, it cannot be carried out, since it must be present and the judge must verify that he has understood each of the facts that are imputed to him, as well as his degree of authorship, participation and, at the discretion of the prosecutor, the subsumption of the fact with the criminal law.

Article 335. Content of the accusation. Once the complementary investigation phase has been completed, if the Public Prosecutor considers that the investigation provides elements to bring criminal action against the accused, it will present the accusation.

The accusation of the Public Ministry must contain clearly and precisely I. The individualization of the defendants and their Defender;

Explanation: It is of the utmost importance that these data be clearly presented, since firstly, the court must verify that it is the accused or accused indicated in the order linking the process, and on the other hand, it must prepare the future intermediate hearing, so it is important to make the corresponding notifications.

II. The identification of the victim or offended party and his legal adviser;

Explanation: In the same way as what is established in the previous section, it is extremely important to establish the identity of the victim or offended party and their adviser, to verify that there is identity among those established in the order linking the process, and on the other hand, in addition, the corresponding notifications can be made.

III. The clear, precise, circumstantial and specific relationship of the facts attributed in manner, time and place, as well as their legal classification;

Explanation: The fact that was indicated in the formulation of the accusation must be the one that lasts throughout the sequel to the process, so the prosecutor must make an effort to write a fact that complies with the points established in this fraction, since this at the same time, it generates legal certainty for the defendant to be able to support the defense in a technical and adequate manner.

For purposes of legal consistency in the process, this point is extremely important. The facts for which the order linking the process was issued must be the same, unless

they are only peripheral details that do not render the defendant defenseless, since if so, the defendant or his defense attorney could point out this formal defect. .

The legal classification can vary due to what is established in the order of connection to the process, however, at the time if this happens, the control judge must give the necessary time for the defense to prepare its case, in case of so request it.

IV. The relation of the modalities of the crime that concur; In the event that the crime has some mitigating or aggravating modality, it must be mentioned in the indictment.

V. The authorship or specific participation attributed to the accused;
Explanation: It must be established if the defendant acted as direct author, co-author, mediate author, etc.

VI. The expression of the applicable legal precepts;
Explanation: It is extremely important to justify the articles that are applicable to the typical behavior and the form of participation.

VII. The indication of the means of proof that it intends to offer, as well as the anticipated proof that has been presented in the investigation stage;

Explanation: This is the main point of the accusation, since the means of proof that are intended to be offered must be clearly indicated, as well as their relevance. Testimonials, expert opinions, documentaries and other means of proof are regularly the means of proof that are offered within the accusation.

VIII. The amount of the damage repair and the means of proof offered to prove it;
Explanation: The prosecutor must add to his accusation the amount of reparation for the damage that he intends to request from the defendant for the crime for which he is accused, and at the same time, present the evidence with which he intends to support it.

IX. The penalty or security measure whose application is requested including, where appropriate, the one corresponding to the crime contest;
Explanation: The prosecution requests the penalty to be imposed, which obviously must be within the parameters for it and the prosecutor must observe the individualization criteria with full objectivity at the time of its imposition.

X. The means of proof that the Public Ministry intends to present for the individualization of the penalty and, where appropriate, for the origin of substitutes for the prison sentence or suspension thereof;

XI. The request for confiscation of the insured assets;

XII. The proposal of evidentiary agreements, if applicable, and
Explanation: The procedural economy reaches in its aspect to the evidentiary agreements, which is nothing more than a point of agreement between the parties on some point of fact of the theory of the case that is not intended to be debated.

If there is no agreement between the parties to establish these evidentiary agreements, they should not be carried out. XIII. The request that some form of early termination of the process be applied when it proceeds.

The accusation may only be formulated for the facts and persons indicated in the order linking the process, even if a different classification is made, which must be made known to the parties. If the Public Prosecutor's Office or, where appropriate, the victim or offended party offer the testimony of witnesses or experts as means of evidence, they must present a list identifying themselves by name, surname, address and way of locating them, also indicating the points on which they will deal. the interrogations.

Criminal Laws on age of consent and Sex Crimes in Mexico: Legal Analysis

Mexico has legislation that protects and seeks to guarantee the sexuality of minors. For this reason, there are severe penalties for anyone who engages in sexual acts against boys or girls who are not of sufficient age to make their own decisions regarding their sexual behavior. We will explain this important legal issue in Mexico in detail.

The Legal Age of Consent in Mexico (Applicable in Tijuana, Cancun, Playa del Carmen, Los Cabos, Puerto Vallarta, Mexico City, and any city in Mexico)

In general terms, the law fully recognizes individuals over 18 years of age as capable of making decisions about their bodies and their sexual relationships. Therefore, Mexican criminal law only punishes those who commit sexual acts against adults without their consent.

Crimes in Mexico for Individuals Who Engage in Sexual Acts with Minors Under 18 Years Old.

The list of crimes mentioned are those established by Mexican criminal law for individuals accused of engaging in sexual acts with persons under 18 years of age. It is important to note that each state in the Mexican Republic has its own penal codes, so if you have a specific case related to this issue, you can contact us for a consultation. This is because we are using the federal criminal code for the purpose of explaining these crimes.

1. Article 261. Anyone who commits the crime of sexual abuse against a person under eighteen years of age or against a person who is unable to comprehend the significance of the act, even with their consent, or who, for any reason, is unable to resist or is forced to perform it on themselves or another person, will be sentenced to six to thirteen years in prison and up to five hundred days of fines.

If violence is used, the penalty will be increased by half of both the minimum and maximum sentences

Explanation of Justicia Transparente: Any touching of a minor is a crime, even with the minor's consent, and can result in imprisonment for up to 13 years.

This crime is particularly serious, as the Mexican criminal process does not provide options such as bail or settlements to resolve the matter without going to trial.

Article 262. Anyone who engages in sexual intercourse with a person over fifteen and under eighteen years of age, obtaining their consent through deception, will be sentenced to three months to four years in prison.

Article 263. In the case mentioned in the previous article, legal action will not be taken against the offender unless a complaint is filed by the victim or their representatives.

Explanation of Transparent Justice: This is an exception to the age of consent for sexual acts. In this crime, it is established that if the victim is at least 15 years old but under 18 years old and was deceived or seduced into having sexual relations with the accused, a lesser penalty of 3 months to 4 years in prison will be imposed.

The law also establishes that the prosecution will only investigate and prosecute this case if the victim or their parents wish for the accused to face justice.

2. Article 266. The following acts are equivalent to rape and will be punished with eight to thirty years in prison:

I. Anyone who engages in sexual intercourse with a person under eighteen years of age without the use of violence;

III. Anyone who, without violence and for lewd purposes, inserts any object or instrument other than the male sexual organ into the anus or vagina of a person under eighteen years of age or a person who is unable to comprehend the significance of the act, or for any reason cannot resist, regardless of the victim's gender.

Explanation of Justicia transparent: These are two of the most serious crimes in Mexico for anyone who engages in sexual relations with persons under 18 years of age. Penalties can be up to 30 years in prison. In these cases, anyone who inserts objects or fingers into the anus or vagina of a male or female minor will be held responsible for the crime of rape of a minor.

3. Article 266 Bis. - The penalties provided for sexual abuse and rape will be increased by up to half of both the minimum and maximum sentences when:

I.- The crime is committed with the direct or immediate involvement of two or more people.

Explanation of Justicia transparente: In cases of abuse or rape, the penalties can be increased by up to half. For the crime of rape, this can mean up to 45 years in prison, and for sexual abuse, up to 20 years in prison when two or more people engage in sexual acts against minors.

Extradition for Crimes Committed in Mexico: 10 Things You Need to Know

Extradition can be defined as “the legal process through which one country hands over a person accused or convicted of a crime to another country that has jurisdiction over the case.” Typically, this happens when the person has committed a crime in the requesting country (the requesting state) but is located in another country (the requested state). The process is carried out based on bilateral treaties or international agreements and aims to ensure that criminals face justice where the crime was committed.

Extradition may be subject to several conditions, such as the severity of the crime, the local laws of the requested state, the possibility of the accused receiving a fair trial, and in many cases, whether the crime is considered punishable in both countries.

This process is regulated by national and international laws and can sometimes be a delicate diplomatic and political issue.

Extradition requests made by the competent federal authorities, the States of the Republic, or the local authorities of Mexico City will be processed before the Ministry of Foreign Affairs through the Office of the Attorney General of the Republic.

Here are the 10 most important things you need to know about extradition laws in Mexico.

1. To be arrested in another country, there must be an international extradition treaty with the country where you are going to be arrested.

To be extradited to Mexico, there must be an international treaty with the country where you are located. This is the list of countries that have an international treaty with Mexico.

- Brazil
- United States
- Belize
- Canada
- Costa Rica
- Chile
- El Salvador
- Nicaragua

- Peru
- Uruguay
- Guatemala
- Venezuela
- Paraguay
- Ecuador
- Panama
- Bolivia
- Argentina
- Costa Rica
- Colombia
- Cuba
- Dominican Republic
- South Korea
- India
- China
- England
- Italy
- Netherlands
- Belgium
- Spain
- France
- Portugal
- Australia.

2. You can only be extradited if the crime for which you are being investigated in Mexico also exists in the country where you reside.

Mexican criminal law is very clear in stating that you can only be extradited for a crime that also exists in that country. It is important to understand that the crime does not need to have the same name or be written in the penal codes in the exact same way; if the crime is essentially the same, it will be sufficient for extradition to proceed.

3. You cannot be extradited if the criminal proceedings in Mexico have already been resolved.

If the crime in Mexico has already been resolved, either through an agreement or a resolution issued by the prosecutor or judge confirming that the crime was not committed, that you are not responsible, or that the crime can no longer be investigated for legal reasons or any other circumstance, this will serve to prevent extradition.

I will need a lawyer in Mexico to prove this situation and prevent the extradition from proceeding.

4. Extradition does not apply to political refugees.

Extradition will not be granted in any case if the person could be subject to political persecution by the requesting state, or if the person was a slave in the country where the crime was committed.

5. Extradition is applicable if you have fled to your country after being released in Mexico.

If you were released from detention in Mexico but the criminal proceedings are still open, it is common for a judge to have ordered you not to leave Mexico or to have surrendered your passport. However, if you have returned to your country without the judge's authorization, the public prosecutor may seek your extradition to continue the criminal process.

In such cases, contact your criminal lawyer to determine how to close the criminal case and avoid extradition.

6. In Mexico, the death penalty is prohibited. Therefore, if the crime for which you are being investigated carries the death penalty in the country where you are located, you can only be punished with imprisonment in Mexico.

Article 22 of the Mexican Constitution states: "The death penalty, mutilation, infamy, branding, flogging, torture of any kind, excessive fines, confiscation of property, and any other unusual and excessive punishments are prohibited. All penalties must be proportional to the crime and the legal interest affected."

This means that even if the country to which you are to be extradited imposes the death penalty for the crime for which you are being investigated in Mexico, the death penalty is prohibited in Mexico.

7. You have the right to defend yourself in the country where you are located to avoid extradition.

If you have been arrested in your current country under an extradition order issued by Mexico, you have the right to defend yourself with a criminal lawyer from that country to avoid extradition. Contact us to learn about our partnerships in extradition matters.

8. Interpol is not a police force that arrests individuals directly. Instead, it provides support and coordination among international law

enforcement agencies to facilitate arrests and extraditions based on requests from member countries.

Interpol is an international police organization that assists with global law enforcement efforts. It facilitates the coordination and exchange of information among member countries' authorities, but it does not have the legal authority to make arrests or execute extraditions itself. Instead, it supports national authorities in carrying out arrest warrants and extradition processes.

9. Murder, drug trafficking, and sexual crimes are among the most commonly requested for extradition.

These crimes committed in Mexico are, on average, the offenses for which the prosecutor, in collaboration with the judge, requests. an extradition orders.

10. The extradition order cannot be consulted online.

You will not find an extradition request online because it is a confidential process. The prosecutor and law enforcement handle it discreetly to prevent the person being extradited from evading Interpol.

Attorney-client privilege in criminal matters in Mexico

The secret to the grave

Criminal defense lawyers in Mexico have the obligation (without any exception) to maintain attorney-client privilege when a client seeks our services for criminal issues in Mexico. This applies regardless of whether the client has confessed to a serious crime such as first-degree murder or a minor crime such as domestic violence. From the moment we speak with our client, we are obligated to provide legal advice and maintain confidentiality.

These are the laws that protect attorney-client privilege in Mexico:

National Code of Criminal Procedure.

Article 362. Duty to Maintain Confidentiality

The testimony of individuals who, due to their knowledge of facts by virtue of their profession or occupation, have a duty to maintain confidentiality is inadmissible. This includes religious ministers, lawyers, human rights visitors, doctors, psychologists, pharmacists, and nurses, as well as public officials regarding information that is not subject to disclosure according to relevant laws. However, these individuals cannot refuse to testify if they are released from the duty of confidentiality by the concerned party. If summoned, they must appear and explain the reasons for their obligation to maintain confidentiality and refrain from testifying.

This article primarily regulates the impossibility of a public prosecutor being summoned by a court to testify about what was discussed with their client during a trial.

In other words, it is inadmissible for a judge to accept the testimony of a lawyer, even if the lawyer previously represented the defendant and was later dismissed by the defendant. In such cases, their testimony in court is also inadmissible.

Federal Civil Code.

Article 2590. The attorney or lawyer who discloses to the opposing party the secrets of their principal or client, or provides them with documents or information that could harm them, shall be liable for all damages and will also be subject to the provisions of the Penal Code for such cases.

The Civil Code also penalizes an attorney who provides documentation to the opposing party, that is, to the attorney of the other side.

This legal provision is also regulated in criminal matters, so sharing legal information about the case with the opposing party is prohibited.

Federal Code of Civil Procedure.

Article 90. Third parties are required at all times to assist the courts in discovering the truth. They must promptly produce documents and things in their possession when requested. Courts have the authority and duty to compel third parties, using the most effective means of enforcement, to fulfill this obligation; however, in the case of opposition, the courts will hear the reasons for the opposition and resolve the matter without further appeal. Exempt from this obligation are ascendants, descendants, spouses, and individuals who must maintain professional confidentiality, in cases where it involves proving against the party with whom they are related.

This provision strengthens the Mexican legal framework by excluding criminal defense attorneys from the legal obligation to assist the judicial authority concerning their client's confessions. Therefore, the judge or prosecutor cannot request that the attorney provide documents or evidence submitted by the client to their attorney and which have been strategically withheld from the trial.

What is the penalty for an attorney violating the right to confidentiality?

The Federal Penal Code in Mexico establishes penalties for attorneys who

reveal their client's professional secrets, as outlined in the following articles:

Article 210. A penalty of thirty to two hundred days of community service will be imposed on anyone who, without just cause and with harm to someone and without the consent of the affected party, reveals any secret or confidential communication known or received due to their employment, position, or role.

Article 211. The penalty will be one to five years of imprisonment, a fine of fifty to five hundred pesos, and, if applicable, suspension from the profession for two months to one year, when the penalizable revelation is made by a person providing professional or technical services or by a public official or employee, or when the revealed or published secret is of an industrial nature.

It is uncommon for criminal investigations to be conducted in Mexico against attorneys who have not fulfilled their duty of confidentiality. However, you can file a complaint against any attorney who fails to maintain professional secrecy.

Do I need to sign a confidentiality agreement with my criminal defense attorney to ensure they are obligated to maintain confidentiality?

Legally, it is not necessary to sign a confidentiality agreement, as the duty of confidentiality in criminal matters begins from the moment you consult your attorney, whether in person or online.

However, you can request a confidentiality agreement from your attorney, which may be useful if your attorney breaches the duty of confidentiality and intends to initiate an investigation into that crime.

How to Obtain Probation in Mexico Immediately: 6 Important Points You Should Know

Before being judged in trial is called “Conditional Suspension of the Process.” This legal figure, currently in force in the Mexican legal process, is an alternative to incarceration following an investigation in Mexico for serious and non-serious crimes. This legal solution will allow you to remain free for the duration of this type of probation, which can be requested before the criminal judge from the moment of your arrest in Mexico.

Five key points to know about probation laws (Conditional Suspension of the Process in Mexico) are as follows:

1. The most common crimes committed by foreigners in Mexico are simple drug possession, such as marijuana or cannabis, domestic violence, street fights, and smuggling. All these types of crimes are eligible for this legal solution.
2. The carrying and possession of firearms are not eligible for this legal solution, but probation after sentencing does apply. Therefore, it is also possible to undergo the criminal process while free immediately after detention.
3. The legal requirement to apply for probation (Conditional Suspension of the Process) is that the judge has subjected you to a criminal process (linkage to process). This resolution from the judge is issued one day after having spent 48 hours in the prosecutor’s office (approximately 70 hours after your arrest).
4. If you violate the conditions agreed upon in probation, the public prosecutor may issue an arrest warrant against you.
5. Granting this probation does not generate a criminal record in Mexico.

In this article, our criminal defense law firm with offices in Tijuana and throughout Mexico will answer the following questions:

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1. What is probation (conditional suspension of the process)?

2. How can I obtain probation in Mexico, and what crimes allow me to apply for it?
3. Can I travel to my home country while on probation?
4. Can I end probation early if I pay bail?
5. What happens if I violate or fail to comply with probation?
6. Can I expunge a record?

What is probation (conditional suspension of the process)?

Mexican procedural criminal law defines it as follows:

“Suspension of the proceedings should be understood as the proposal made by the Public Prosecutor or the defendant, which will include a detailed plan regarding the payment of compensation for damages and the defendant’s compliance with one or several of the conditions mentioned in this Chapter, which ensure effective protection of the victim’s or offended party’s rights and, if fulfilled, may lead to the termination of the criminal action.”

This legal mechanism in Mexico is a special agreement between the Public Prosecutor, the victim, and the person accused of the crime. If accepted by the judge, it results in the immediate release of the arrested person.

In Mexico, it is very common for people from other countries, such as the United States, to be arrested. Since they do not have residency in Mexico, it complicates the judge’s approval of these agreements. At our firm, we are experts in these types of cases and have achieved a 100% success rate in securing the release of Americans in such cases. You can review our successful resolutions [here](#).

How to Obtain Probation in Mexico? (Conditional Suspension of the Process)?

Mexican criminal law establishes the following requirements to access conditional suspension of the process. It is important to note that not all the conditions listed below need to be met; sometimes only one or a few of them are sufficient.

To obtain this benefit, the following requirements set by Mexican legislation must be fulfilled.

Article 192. Origin.
The conditional suspension of the process, at the request of the accused or the Public Prosecutor's Office with the agreement of the former, will proceed in cases where the following requirements are met:

I. That the order linking the defendant to the process has been issued for a crime whose arithmetic mean of the prison sentence does not exceed five years;

II. That there is no well-founded opposition from the victim and offended, and

III. That two years have elapsed since compliance or five years since non-compliance, of a previous conditional suspension, if applicable.

The provisions of section III of this article shall not apply when the defendant has been acquitted in said proceeding.

The conditional suspension will be inadmissible for the hypotheses provided for in sections I, II and III of the seventh paragraph of article 167 of this Code.

Article 193. Opportunity.
Once the order of linkage to the process has been issued, the conditional suspension of the process may be requested at any time until before the opening of the trial is agreed, and it will not prevent the exercise of civil action before the respective courts.

Article 194. Repair plan.
At the hearing where the request for conditional suspension of the process is resolved, the accused must present a plan to repair the damage caused by the crime and deadlines to comply with it.

Article 195. Conditions to be fulfilled during the period of conditional suspension of the process.

The control judge will set the period of conditional suspension of the process, which may not be

less than six months nor more than three years, and will determine to impose on the accused one or more of the conditions that must be met, which in an enunciative but not limitative manner is indicated:

I. Reside in a certain place;

II. Frequent or stop frequenting certain places or people;

III. Refrain from consuming drugs or narcotics or abusing alcoholic beverages;

IV. Participate in special programs for the prevention and treatment of addictions;

V. Learn a profession or trade or follow training courses in the place or institution determined by the Control Judge;

VI. Provide social service in favor of the State or public charitable institutions;

VII. Submit to medical or psychological treatment, preferably in public institutions;

VIII. Have a job or employment, or acquire, within the period determined by the Control Judge, a trade, art, industry or profession, if you do not have your own means of subsistence;

IX. Submit to the surveillance determined by the Control Judge;

X. Not own or carry weapons;

XI. Do not drive vehicles;

XII. Refrain from traveling abroad;

XIII. Comply with the duties of a food debtor, or

XIV. Any other condition that, in the opinion of the Control Judge, achieves an effective protection of the rights of the victim.

Can I travel while I am on conditional suspension of the process (on probation)?

In 90% of cases, this is because the judge may impose a condition that you reside in the place where you are being processed (for example, Tijuana) during the period of conditional suspension of the process.

If this condition has not been imposed on you, you may travel freely to your home country or anywhere else in Mexico without any issues. In this case, you will need an expert criminal lawyer to help avoid having this condition imposed on you.

Can I end on probation early if I pay a bail?

No, this procedural figure is a benefit granted by Mexican law, provided that the requirements and conditions previously outlined are met over a minimum period of 6 months and a maximum of 3 years, depending on the specific case.

Paying a bail does not replace the fulfillment of the procedural obligations that must be met.

What happens if I violate or fail to comply with probation?

If you fail to comply with the conditions imposed by the criminal judge within the agreed timeframe and during the duration of the benefit, the authority responsible for reviewing probation will be required to inform the judge and the prosecutor about this situation. This will have the legal consequence of summoning the defendant to a hearing, where the benefit may be revoked, and the defendant could be sent back to jail.

When can I get an expungement of my record?

Probation (suspension of the process) does not create a criminal record.

You will be able to enter and leave Mexico as many times as you wish. The criminal judge will let you know that you are welcome in our country and that this solution does not limit you from continuing to visit the country.

Penalties of up to 25 years for people who bring drugs into Mexico

Marihuana, cocaine, LSD, cannabis, fentanil, they are one of the most commonly used drugs by US citizens, these drugs are also illegal in Mexico

This article is of great interest to US citizens who enter Mexico through any of its land customs or through its airports, since Mexican law has established in recent legal criteria that the crime of introducing narcotics into Mexico is configured from the moment in which one enters Mexico with any drug prohibited by Mexican law, regardless of whether this drug will only be used for the personal consumption of the person who intends to consume it. The introduction of drugs to Mexico occurs in the following moments:

- **By land:** From the moment you enter Mexico by vehicle or walking from any border crossing, you are searched by the Mexican authorities and you are caught with any illegal drug in Mexico.

It is important that you are aware that the amount that the Mexican Government allows you to possess for personal consumption does not apply in your favor in the crime of introducing narcotics into Mexico, this is because Mexican law establishes a legal principle called "Exact application of the criminal law, which means that the crime that exactly applies to the event that occurred will have to be applied, and in this case the exact event is the introduction of the narcotic.

The legal explanation for the aforementioned is because the crime of introducing narcotics does not establish an exclusion of crime based on when that amount is intended for personal use.

This is the article that establishes the penalty for that crime in Mexico, which you can consult in the federal criminal code

"Article 194.- A prison sentence of ten to twenty-five years and a fine of one hundred to five hundred days will be imposed on anyone who:

II.- Introduce or remove any of the narcotics included in the previous article from the country, even temporarily or in transit."

- **By air (at the airport):** The introduction of narcotics is also configured from the moment the person coming from an airport in another country enters Mexico with any of these narcotics and at the time of being checked by the police they are found in their person or in their suitcases any of these possessions. It is important that you know that the fact that you have not had problems at the airport where you came from does not exclude your responsibility and therefore you will be arrested in Mexico.

It is important that you know that the fact that you have not had problems at the airport where you came from does not exclude your responsibility and therefore you will be arrested in Mexico.

The legal recommendations that our Justicia transparente firm recommends to you in order to obtain the best defense for a drug introduction case are the following:

1. Accredited, within the first 48 hours of arrest, a place where they can be found in Mexico: Mexican judges allow foreigners who can prove a place where they can be found and notified in Mexico to carry out their process in freedom.

At our law firm we can help you as part of our legal strategies to have a place where you can be notified.

2. Present evidence that can convince the judge that the drug was going to be used for personal use: In some cases, some judges have the legal criterion that the crime is drug possession and not drug introduction

It is important to have documents such as medical prescriptions that can support the consumption of the aforementioned drug.

3. Present evidence that can prove to the judge that the person only came to Mexico for a visit or for tourism: The crime of introduction of narcotics was created to avoid endangering the public health of Mexico and to prevent drug trafficking in Mexico. Evidence that helps convince the judge that the arrested person's stay in Mexico was only for fun or for a visit can help the judge not to charge him with the crime of introduction of narcotics. Our legal firm has representation throughout the Mexican Republic, call us for criminal defense.

Mexican gun laws: 7 main points you need to know

Mexico has fairly strict gun laws, which aggravate the legal situation of American citizens and tourists who do not live in Mexico, because the lack of a domicile or house in Mexico in most cases results in the imprisonment of these people who, for the most part, are not criminals, they are people who did not know that it was a crime to carry a weapon in Mexico, or they simply forgot to take the weapon out of their car.

MAIN POINTS TO CONSIDER

- **Ownership Restrictions:** Only Mexican citizens and legal residents who are over the age of 18 and have no criminal record are permitted to own firearms. This requirement helps to ensure that firearms are in the hands of responsible individuals who have undergone background checks.

The only authority legally empowered to issue a permit to carry weapons is the Secretary of National Defense, also known as the Mexican Army.

The fact of having permission to carry weapons in the United States is not valid to avoid legal problems in Mexico.

- **Types of Firearms:** Mexico's gun laws limit the types of firearms that civilians are allowed to possess. Generally, handguns of .380 caliber or smaller and certain calibers of long guns (rifles and shotguns) are permitted for civilian ownership. Fully automatic firearms are prohibited for civilian possession.

It is important to mention that the carrying of weapons for the exclusive use of the Mexican army is considered a serious crime in Mexico and includes high prison sentences for those caught with a weapon like these.

Read this article by us to learn in detail about the penalties for carrying weapons in Mexico.

- **Licenses and Permits:** Individuals who wish to own firearms in Mexico must apply for a license from the Secretariat of National Defense (SEDENA). This process

involves undergoing a thorough background check, including criminal history, and a psychological evaluation to assess the applicant's mental fitness to own a firearm. Additionally, applicants are required to complete a firearms training course to ensure they understand how to safely handle and store firearms.

The legal requirements established by the weapons law to carry a weapon are the following:

- A. Have an honest way of living;
- B. Have complied, those obliged, with the National Military service;
- C. Not have a physical or mental impediment to the handling of weapons;
- D. Not having been convicted of a crime committed with the use of weapons;
- E. Do not consume drugs, intoxicants or psychotropics, and
- F. Accredit, at the discretion of the Secretariat of the National Defense, the need to carry weapons by:
 - a) The nature of your occupation or employment; either
 - b) The special circumstances of the place in those lives, or
 - c) Any other justified reason

- **Registration:** Once a firearm license is obtained, the firearm must be registered with SEDENA. This registration process includes providing detailed information about the firearm, such as make, model, and serial number, as well as undergoing ballistic testing to ensure that the firearm has not been used in any criminal activity.
- **Carrying Restrictions:** Carrying firearms in public is strictly regulated in Mexico. Concealed carry permits are difficult to obtain and are generally restricted to certain professions, such as security personnel and law enforcement officers. Even individuals with concealed carry permits are subject to strict regulations regarding where and when they are allowed to carry firearms.
- **Transportation:** Firearms must be transported in a safe and secure manner. This typically means that firearms must be unloaded and stored in a locked container, separate from any ammunition. This helps to prevent accidental discharge and unauthorized access to firearms during transportation.
- **Penalties:** Violations of Mexico's gun laws can result in severe penalties, including fines and imprisonment. The severity of the penalties depends on the nature of the

violation, but Mexico takes gun-related offenses seriously in order to deter illegal firearms trafficking and gun violence.

Overall, Mexico's gun laws are designed to balance the rights of individuals to own firearms for self-defense and sport with the need to maintain public safety and reduce gun violence. By implementing strict regulations on the possession, ownership, and use of firearms, Mexico aims to prevent unauthorized access to firearms and reduce the incidence of gun-related crime.

3 warnings you should know before go into Mexico with a firearm

Gun law regulations in Mexico are very strict, unlike the United States, in Mexico to be able to have a weapon in your possession it is necessary to have a permit issued by the Mexican Army, in addition to the fact that there are few firearms in Mexico that you can carry legally.

Wikipedia notes the following about the regulation of gun law “The regulation of firearms in Mexico is governed by legislation that establishes the legality by which members of the armed forces, law enforcement and private citizens can acquire, possess, possess and carry firearms; which covers the rights and limitations of individuals, including participants in hunting and shooting sports, property and personal protection personnel, such as bodyguards, security officers, private security, and extends to VIPs (diplomats, public officials) . , celebrities)”

Our law firm Justicia transparente warns you about 3 important points that you should know before entering Mexico with firearms:

1. The gun law is aggressive towards people who do not live in Mexico.

The Mexican gun law in conjunction with the law that regulates the Mexican criminal process (Article 168, section I) establishes that any person who does not live in Mexico is considered to have no roots, that is, a place where Mexican justice can send you summonses in case you are arrested for a weapons crime and brought before the judge.

This means that a person who comes from abroad, for example from the United States, and is arrested at a Mexican custom for carrying a firearm, bullets or gun cartridge, can be held in a Mexican prison while it is decided whether he is guilty or innocent of the charges. charges against him.

The Mexican criminal process lasts approximately 1 year, in our transparent justice firm we have legal solutions to guarantee the freedom of our clients.

2. The permit to carry weapons in the United States has no legal validity in Mexico.

Permits to carry weapons in any state of the American Union do not have legal validity in Mexico, so showing it to the authorities who carry out your arrest will not be of any use at the time of your arrest.

However, on some occasions it may be useful to have your permit to carry weapons in the United States for the purposes of being able to prove that in the mind of the American or foreign person this action was legal, which in Mexico is an exclusion of crime which It is called "Invincible Ban Error".

3. The prosecutor did not need to prove that you intended to shoot in Mexico, since the crime is proven by simply bringing the weapon into Mexico.

On many occasions we have heard from our clients who have been arrested for this crime upon entering Mexico that they are not criminals and that they forgot that they had the weapon with them.

The reality is that the Mexican weapons law only requires carrying the weapon with you, either on your clothes or in your vehicle so that the crime can be proven, as indicated by this article of the Mexican weapons law:

Article 83.- Anyone who carries a weapon for the exclusive use of the Army, Navy or Air Force without the corresponding permit will be punished:

I. With imprisonment of three months to one year and a fine of one to ten days, in the case of weapons included in section i) of article 11 of this Law;

II. With imprisonment of three to ten years and a fine of fifty to two hundred days, in the case of weapons included in sections a) and b) of article 11 of this Law, and

III. With imprisonment of four to fifteen years and a fine of one hundred to five hundred days, in the case of any of the other weapons included in article 11 of this Law.

In cases where the weapon does not have conditions to be used, that is, it does not have conditions to be fired, the defender of the arrested person may use this argument in his favor to prove that the conduct does not constitute a crime, as the conditions do not exist. that carrying the weapon could endanger the public safety of Mexicans.

Justicia transparente criminal lawyers we are specialists in defending matters related to arrests related to gun law.

Can I be arrested in the United States for an arrest warrant issued in Mexico?

It is common for American citizens to have had criminal problems in Mexico and after the passage of time have been informed that they were reported in Mexico and that they probably have an arrest warrant, but it is possible that with an arrest warrant issued by the prosecutor's office Mexican can you be arrested in the United States? We will answer it with the following questions.

What requirements does the Mexican government have to meet to request the arrest of a person in the United States?

The first thing that must happen is that there is a complaint for an act that is a crime in Mexico. On the other hand, there must be sufficient evidence for the probability of the accused to be established.

The law establishes these requirements to request an arrest warrant "From the background of the investigation presented by the prosecutor, evidence is derived that establishes that an act that the law designates as a crime has been committed and that there is a probability that the accused committed it or participated in its commission. It will be understood that there is data that establishes that an act that the law designates as a crime has been committed when there are reasonable indications that allow it to be assumed.

After you have this information from the Mexican prosecutor's office, what has to happen is that you have to go to the Mexican judge to request an arrest warrant against the accused person, which will be granted by the judge when the expose and prove that the person accused of the crime is in the United States of America, the reason is that the Mexican justice system establishes that a person who does not live in Mexico will be difficult to present to trial because he or she does not live in this country, which is why which will require an arrest warrant to be able to present it before the Judge.

What is the process that Mexico has to carry out to obtain the support of the US police (Interpol) and arrest a person?

The first thing the Mexican government has to do through the prosecutor's office that is investigating the person accused of a crime, such as the prosecutor's office in Tijuana or Cancún, is to request the department of the Attorney General's Office (FGR) to carry out the corresponding procedures for the purposes of sending the information of the person accused of the crime, the crime for which they are being accused, the place where they are located in the United States, this information is what will have to be sent to Interpol for the arrest of the person in the United States.

In addition to that, the following rules of the international extradition law must apply:

ARTICLE 6

I.- That in the case of intentional crimes, they are punishable in accordance with Mexican criminal law and that of the requesting State, with a prison sentence whose arithmetic average term is at least one year; and in the case of culpable crimes, considered serious by law, they are punishable, in accordance with both laws, with a prison sentence.

This means that in the United States the crime for which the arrest warrant was issued in Mexico must also exist, for example, if you were accused of rape in Mexico, the crime must also exist in the United States. The fact that in the United States the crime is not identified or has a different name (for example, in Mexico it is called sexual abuse and in the United States sexual assault) will not be a limitation for the extradition to proceed.

What is the step-by-step extradition process in Mexico?

The rules for the extradition of people are established in the international extradition law, however in summary this is the process that the Mexican government must first follow.

- The Attorney General's Offices request the intervention of this Institution to initiate an extradition procedure for a person located abroad who has a valid and enforceable court order.

- The Attorney General's Office of the Republic is the one that must know in accordance with the provisions of our Political Constitution, since it is the one empowered to intervene in extradition procedures.
- The General Directorate of International Procedures, which belongs to the Legal and International Affairs Deputy Attorney General's Office (SJA), reviews and analyzes whether the request meets the requirements set forth in the applicable bilateral Treaty or the International Extradition Law in the absence of that.
- Once the person has been located abroad and it has been ruled out that it is a homonym, that is, it is ensured that he or she is the person required for extradition, a request for provisional detention for extradition purposes or a formal extradition request is prepared; Likewise, formal requests and/or requests for extradition will be accompanied by the documents that support them.
- Requests for provisional arrest for extradition purposes or formal extradition requests must be presented to the Ministry of Foreign Affairs (SRE), which is the agency authorized to process it through diplomatic channels.
- At this stage, the SRE is empowered to analyze that the request and/or request for extradition complies with the requirements established in the International Treaties or the extradition requirements of the requested country. Once analyzed, the Foreign Ministry, through the diplomatic representation in the requested country, will be in charge of presenting it to the central authority of said State through a diplomatic note.
- The authorities of the requested State arrest the requested person and begin the extradition procedure with a judicial authority. During this stage, the person sought will have an adequate defense that will assist him in the extradition procedure, so sometimes the process can be prolonged, and communication between the Mexican authorities with those of the State requested to support the request is very important. of extradition. On some occasions, at this stage, those sought consent to their extradition and their delivery is expedited.
- Once the judicial stage ends, the matter is transferred depending on each country to another instance where the requested State decides on the admissibility of extradition. It should be clarified that each country has its own internal extradition procedure that defines the instances to which extraditable persons can go.
- The requested State GRANTS or DENIES the extradition, it should be noted that both decisions can be appealed both by the defense of the person sought and by the Prosecutor's Office that defends the position of the Mexican government claiming the extradition. Therefore, this stage continues until the resolution of GRANTED or DENIED is final. If the resolution is positive, the extradition procedure continues; otherwise, it is concluded and the person sought is released.

- If the final resolution is GRANTED, the extradition is notified by the authorities of the requested State to the authorities of Mexico, so coordination begins for the transfer of the extraditable person to national territory.

Is it common for requests for extradition proceedings from Mexico to be made to the United States government?

The reality of the extradition processes and requests made by the Mexican government to the United States is that it involves too many political and diplomatic processes, so the extradition request will depend on the type of crime for which it is being accused and the interests of the Mexican government. in prosecuting the person under investigation.

It is recommended to request an amparo to verify if there is an arrest warrant in Mexico, which will be an essential requirement for the purposes of verifying if there is the possibility of an arrest warrant. In transparent justice we can help you.

How do I know if I have an arrest warrant issued by Mexico?

To find out if you have an arrest warrant before being detained, read this article on our blog so that you can avoid losing your freedom due to ignorance of your rights.

Action guide for arrests at Mexican airports for guns, drugs, smuggling and immigration situation.

Mexican airports have had notable increases in the last 4 years of arrests at their airports, American, European, South American and Asian citizens have been arrested upon arrival at any of the airports in the Mexican Republic regularly for violations of gun laws, possession of any drug such as cannabis or marijuana and carry amounts in cash, national or foreign checks, payment orders or any other document receivable or a combination of them, greater than the equivalent in the currency or coins in question of thirty thousand dollars of the United States of America.

These arrests increased because the Mexican government ordered the Mexican army to take care of the airports and review security, so tourists who regularly come to Mexico for tourism are unaware of Mexican laws and their prohibitions, in many cases due to lack of communication from the governments of their countries about the crimes that can be committed in Mexico or due to ignorance or lack of investigation of those who come to Mexico.

The reality is that in Mexico, ignorance of the law does not prevent the authorities from arresting people at airports and sending them to the offices of the prosecutor for the purpose of investigating the commission of the crimes committed, which is why this guide will help you. It will help you learn more about these stressful arrests.

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Arrest at the airport for violation of gun laws.

Entering Mexico with a weapon is illegal, Mexican laws only allow possessing guns in homes with a permit from the Mexican army.

When a person is arrested at a Mexican airport for violating gun laws in Mexico, the first thing that will happen is the following.

If you do not speak Spanish, an interpreter who is fluent in the language you speak will be found to explain the reason for your arrest. If there is no person at the airport who knows your language, it will be explained to you when you arrive at the prosecutor offices.

You will have the right to contact the consulate of your country in order to request legal support from your country and to recommend lawyers who can help you solve your problem. Article 151 of the Code that regulates Mexican criminal procedure establishes this rule:

“Article 151. Consular assistance In the event that the detainee is a foreigner, the prosecutor will let him know without delay and will guarantee his right to receive consular assistance, so he will be allowed to communicate with the Embassies or Consulates of the country regarding those that are national; and must notify the Embassies or Consulates themselves of the arrest of said person, recording proof of this, unless the accused accompanied by his or her Defender expressly requests that this notification not be made.

The prosecutor and the police must inform whoever requests it, after identification, if a foreigner is detained and, if applicable, the authority at whose disposal he or she is located and the reason.”

Different types of crimes for carrying weapons for exclusive use of the army at the airport:

Carrying one or more of the following firearms without permission from Secretary of National Defense

1.- Semi-automatic pistols with a caliber no greater than .380 (9mm.), with the exception of .38 Super and .38 Commando caliber pistols, and also in 9 mm calibers. the Mausser, Luger, Parabellum and Commando, as well as similar models of the same caliber as the expected ones, from other brands.

2.- Revolvers in calibers not higher than .38 Special, with the exception of .357 Magnum caliber.

3.- *Pistols, revolvers and .22 caliber rifles, round fire.*

4.- *.38 caliber pistols for Olympic or competition shooting purposes.*

5.- *Shotguns in all their calibers and models, except those with a barrel length of less than 635 mm. (25), and those of caliber greater than 12 (.729 or 18.5 mm.).*

6.- *3-barrel shotguns in the calibers authorized in the previous section, with a barrel for metallic cartridges of different calibers.*

7.- *High-powered, repeating or semi-automatic rifles, not convertible to automatic, with the exception of 30" caliber carbines, rifles, carabiners and .223" caliber carbines, 7 and 7.62 mm. and .30 caliber Garand rifles.*

8.- *High-powered rifles of calibers greater than those indicated in the previous paragraph, with special permission for their use abroad, in hunting large game that does not exist in the national fauna.*

9.- *The other weapons of sporting characteristics in accordance with the legal regulations of hunting, applicable by the State Secretariats or Organizations that have interference, as well as the national and international regulations for competition shooting.*

10.- *.357 Magnum caliber revolvers and those greater than .38 Special.*

11.- *9 mm caliber pistols. Parabellum, Luger and the like, the .38 Super and Commando, and those of higher calibers.*

12.- *Rifles, carabiners, carbines and tercerolas in caliber .223", 7 mm., 7.62 mm. and .30" caliber carbines in all its models.*

13.- *Pistols, carbines and rifles with a burst system, submachine guns, submachine guns and machine guns in all their calibers.*

14.- *Shotguns with a barrel length of less than 635 mm. (25), those with a caliber greater than 12 (.729 or 18.5 mm) and gas launchers, with the exception of those for industrial use.*

15.- Ammunition for the aforementioned weapons and cartridges with special devices such as tracers, incendiaries, perforating, smoke, gas expansives and those loaded with shots greater than 00 (.84 cms. in diameter) for shotguns.

16.- Cannons, artillery pieces, mortars and tanks with their attachments, accessories, projectiles and ammunition.

17.- Rocket projectiles, torpedoes, grenades, bombs, mines, depth charges, flamethrowers and the like, as well as the devices, artifices and machines for their launching.

18.- Bayonets, sabers and spears.

19.- Ships, submarines, boats and seaplanes for naval warfare and their weapons.

20.- War aircraft and their weapons.

21.- War devices, gases and chemical substances for exclusively military application, and various devices for use by the armed forces.

In general, all weapons, ammunition and materials intended exclusively for war.

For the purposes of greater understanding, the concept of Carrying firearms means carrying the firearm outside the residence address, that is, the possession occurs when you carry the weapon with you in your car or with you outside your home.

Penalties for carrying firearms without a license

- *Penalty: from 3 to 8 years in prison.*
- *Aggravated by carrying two or more weapons: could reach a maximum penalty of up to 13 years and 4 months in prison.*
- *Weapons that apply to this crime: Those indicated from number 1 to 9 of the list that appears at the beginning of this article.*

Penalties for carrying firearms for the exclusive use of the army without a license.

- *Penalty: from 3 months to a year in the case of bayonets, sabers and spears.*
- *Penalty: from 3 to 10 years in prison if it is about the firearms. indicated in number 10 and 11 of the list that appears in this article.*
- *Penalty: from 4 to 15 years if it is one of the firearms indicated from numbers 12 to 21 of the list that appears above.*

How to defend gun arrest cases in Mexico

- *convince the judge that the arrest was illegal: In Mexico, when people are arrested, they are sent to the prosecutor's offices for the first 48 hours and later to the court where the prosecutor will seek to convince the judge about the legality of the arrest and subsequently seek prove the crime and his probable responsibility in the case.*

The first thing you have to do is hire a lawyer to try to convince the judge that the arresting police officers arrested you illegally. Mexican criminal procedure establishes that arrest is legal when the following circumstances occur:

Article 146. Cases of legal arrest: A person may be arrested without a court order in case of legal arrest. It is understood that there is legal arrest when:

I. The person is arrested at the time of committing a crime, or

II. Immediately after committing it, he or she is arrested, by virtue of the fact that:

a) He or she is caught committing the crime and is persecuted materially and uninterruptedly, or b) When the person is pointed out by the victim or offended party, an eyewitness to the events or whoever intervened with she in the commission of the crime and when she has in her possession instruments, objects, proceeds of crime or there is information or evidence that gives reason to presume that she participated in it.

For the purposes of section II, subsection b), of this precept, it is considered that the person has been detained in flagrante delicto, as long as, immediately after committing the crime, the search or location has not been interrupted.

- *Seek to prove that you are not responsible for carrying the weapon or that there is a reason that excludes the crime: In the event that the Judge has determined that your arrest is legal, the prosecutor must subsequently prove that you are responsible for carrying the weapon with you. Certainly, at this stage of the session before the judge it will*

be difficult to convince the judge that you had no participation, however the law establishes ways to convince the judge that you have no responsibility in the event, the most common strategies are:

- *justify that the arresting agents lied based on the accused facts.*
- *Justify that the gun was not in your possession.*
- *Justify that you have a permit issued by the Mexican army to carry the gun.*
- *Justify that you were under the false idea that it was legal to carry gun in Mexico.*
- *Request the judge to release the case: This argument by the defense of the arrested person is of utmost importance, since it will seek to convince the judge to release the case with the payment of a guarantee or some measure that helps. to establish the obligation of the accused to appear at trial.*

In these cases, it is extremely important to have a bilingual criminal lawyer expert in the matter to be able to establish this circumstance before the judge, this because the situation of being a foreigner makes the case difficult, this because Mexican law is very express in point out that people who do not live in Mexico have a high risk of flight, which means that if they are released, they will no longer respond to the charges they have been accused of.

Arrest at the airport for drug possession.

The problem with airport arrests is that the crime for which these cases are regularly investigated is the introduction of drugs into Mexico, which is a highly punishable crime in Mexico, this is the article that punishes this crime.

Article 194.- A prison sentence of ten to twenty-five years and a fine of one hundred to five hundred days will be imposed on the that:

II.- Introduce or extract from the country any of the narcotics included in the previous article, even if it was momentarily or in transit.

In these cases, the best strategy that you should follow together with your lawyer is to try to convince the prosecutor that the drugs you have with you are for

personal use, however, Mexican health law also establishes certain drugs and quantities that can be intended for personal use, which are the following.

- *1. opium (2 grams): This drug is indicated in the Mexican general health law as a legal drug for personal consumption, so any person, whether Mexican or foreign, can have opium up to 2 grams for personal use.*
- *2. Heroin (50 milligrams): The Mexican public health law allows anyone to carry this amount of heroin with them without it being a crime, so you can possess it anywhere in the Mexican Republic.*
- *3. Cannabis Sativa, Indica or Marijuana (5 grams): The drug known as marijuana is very common, however the small amount allowed by Mexican law has caused several arrests for possessing more than what is established by the general health law.*
- *4. Cocaine (500 milligrams)*
- *5. LSD (0.015 milligrams)*
- *6. MDA or love pill (40 milligrams)*
- *7. MDMA also known as ecstasy or molly (40 milligrams)*
- *8. methamphetamine (40 milligrams)*

Any other drug that is not among those listed above is illegal to possess, even if it is intended for your staff.

Within the offices of the public ministry there is the possibility of establishing evidence that tries to justify that the drugs are intended for personal use, however it will be very important to do so before being sent before the judge, since there are some courtesies in Mexico who consider that bringing drugs through airports, even for personal use, is considered the introduction of narcotics with penalties of 10 to 25 years in prison.

Arrest at the airport for smuggling

Smuggling is a crime considered not serious by Mexican law, so in these cases we can reach an agreement with the Mexican Treasury in case of being arrested for this crime.

The federal tax code establishes this crime, which is what is used when tourists are arrested at Mexican airports.

“The person who does not declare at customs when entering or leaving the country, who carries with him amounts in cash, national or foreign checks, payment orders or any other document receivable or a combination of them, greater than the equivalent in the currency or currencies of Thirty thousand dollars of the United States of America will be punished with a prison sentence. From three months to six years. In the event that a conviction is issued by a competent authority with respect to the commission of the crime referred to in this paragraph, the excess of the amount before mentioned will become property of the federal treasury, unless the person in question demonstrates the legal origin of said resources”

In these cases, the defense strategies are the following:

- If you have \$30,000 or more, try to convince the judge that you were not aware of the legality in Mexico.
- Try to convince the judges that the police have lied in the police report about how the arrest happened and the events they narrate.
- If the arrest was for a check or document, seek to justify before the judge that that check is uncollectible in Mexico.
- Justify that the arrest was illegal.

If you do not convince the judge of some of these situations, it is important to point out that it is possible to make an agreement with the victim, which in this case is the Mexican hacienda for the purposes of being able to pay the taxes omitted in this event and with this you will be able to close the case. regain your freedom and not have a criminal record.

Arrest at the airport due to immigration situation

Arrests of foreign nationals at airports are pretty common. This happens because, when landing at a Mexican airport, there are employees from INAMI (National Institute of Migration) who have the authority to check documents and verify if the person’s stay in the country is legit.

If they determine that the person can’t prove their legal stay in Mexico, they might be sent to a detention center. During this time, they have the right to a lawyer, who can be a public defender provided by the Mexican government, or they can hire a private lawyer.

The Mexican Constitution states in Article 21, third paragraph: “The administrative authority is responsible for applying sanctions for violations of governmental and police

regulations, which will only consist of fines, arrest for up to thirty-six hours, or community service; but if the offender does not pay the imposed fine, it will be exchanged for the corresponding arrest, which in no case will exceed thirty-six hours.” Immigration arrests, being administrative, cannot constitutionally exceed the 36-hour limit.

In reality, immigration authorities sometimes go beyond these limits or send migrants to southern Mexico, like Tapachula, Chiapas, or Villahermosa, Tabasco. In the worst cases, they deport them back to their home country. We can help you file with a motion with a human rights judge to secure the release of your loved one in immigration matters.

Protocol for action when arrested in Mexico (first 48 hours)

When a person is arrested in Mexico, they will be sent to the public prosecutor's office for the first 48 hours. During this time, the decisions you make will be like the decision the doctor makes in the emergency room. Every hour and every movement can represent your freedom, or your imprisonment. Follow the steps in this guide aimed at people living in the United States to obtain the best result during these stressful two days. It is important to mention that the situation of Americans detained in Mexico deserves special attention, since the fact of not living in Mexico generates problems to regain freedom in a simple way.

1. Immediately hire Justicia transparente to make intelligent decisions for your defense in the prosecutor's offices.

Remember that the public prosecutor wants you in jail and his defender wants you free, but why is it so important to have a defense lawyer with you from the beginning of your arrest? It turns out that in the investigation there are investigative acts that the prosecutor has to carry out immediately and it is important to verify that these are carried out respecting due process and your right to defense, since failure to do so may hinder a favorable resolution from the judge, these are some investigative acts that must be observed by your lawyer:

- **The taking of samples of body fluid, hair or hair, blood extractions or other analogues, when the arrested person refuses to have them extracted**

legal basis: Article 270 of the national code of criminal procedures Taking samples when the requested person refuses to provide them If the person who has been requested to voluntarily provide the samples referred to in the previous article refuses to do so, the Ministry Public itself or at the request of the Police may request the jurisdictional body, by any means, for immediate authorization of the practice of said investigative act, justifying the need for the measure and expressing the person or persons on whom it is to be carried out, the type and extension of sample or image to obtain. If the required authorization is granted, the jurisdictional body must authorize the Public Prosecutor's

Office so that, in the event that the person to be inspected is no longer before it, it orders their location and appearance so that the corresponding act can be verified.

Reasoning: These cases occur a lot in cases of traffic accidents, such as crashes with injuries and damage to the vehicle, the reason that motivates the prosecutor of the public ministry to obtain these chemical tests is because by proving that the driver was under the influence of drugs or alcohol considerably aggravates the crime for which you may be charged, so having your lawyer at this time will be crucial in order to make the best decision.

- **Recognition of people in Gesell chamber**

Legal basis: Article 277 of the national code of criminal procedures. Procedure for recognizing people the recognition of people must be carried out with the greatest possible reserve. The recognition will proceed even without the consent of the accused, but always in the presence of his Advocate. Whoever is summoned to carry out a recognition must be located in a place from which they cannot be seen by people who may be recognized. The necessary provisions will be adopted so that the accused does not alter or hide his appearance.

Reasoning: The recognition of persons is an investigative act that the prosecutor regularly carries out when there is no full identification of the accused person and it is necessary to enter a row of person in a Gesell chamber, yes! As in Hollywood movies, this is in order for the witness to identify the person who participated in the event.

The lawyer's need is precisely to verify that the process is being carried out legally and to verify that the people have similar characteristics to the detained person, since only in this way will the recognition have legal validity.

2. Request your immediate release in case of non-serious crimes

In the case of non-serious crimes, the prosecutor's office has the obligation to release itself within 48 hours if it immediately proves the address where you can be notified and the prosecutor generates guarantees for the safety of the victim.

The support for this point is article 140 of the National Code of Criminal Procedures (Article 140. Freedom during the investigation in cases of detention when it involves crimes that do not merit informal preventive detention and the Public Ministry determines that it will not request preventive detention as a precautionary measure, may order the freedom of the accused or impose a protection measure in the terms of the provisions of this Code. When the Public Ministry decrees the freedom of the accused, it will prevent him from disturbing or affecting the victim or offended party and the witnesses of the incident, not to hinder the investigation and to appear as many times as summoned for the carrying out of investigative proceedings, warning them to impose restraining measures in case of unjustified disobedience.), and although this article is not widely used in practice, it is the obligation of the prosecutor to act objectively, so failure to release the accused as long as the circumstances indicated in those circumstances occur could cause him to have administrative and even criminal responsibilities for being deprived of your liberty without reason. legal that justifies it, this is because there is no proportionality that justifies your imprisonment in the prosecutor's offices for 48 hours.

Having your defense lawyer from this moment will help you achieve your immediate freedom and avoid any mistake that could compromise your freedom before the judge.

The most common serious crimes are murder, violent crimes, carrying weapons, and drug-related matters. However, so that you can analyze the complete list of them, read article 167 of our book.

3. Try to negotiate a reparation agreement

Have you heard the saying; a bad settlement is better than a good lawsuit? Well, in criminal matters, in some cases it is important to see it this way, the reason for this is that a criminal process can be more expensive, longer, more tedious and more stressful than reaching an agreement with the victim of the crime.

The reason for this is simple, if for example you have to pay 1000 dollars to settle a case of a street fight and if you do not accept you have to appear in front of the judge and hire a lawyer, this last decision can be more expensive, probably a good lawyer charges you more for his services alone than what it costs to reach an agreement.

Analyze this point with your trusted lawyer and verify if the crime for which you have been arrested allows you to reach a reparation agreement in the prosecutor's offices, if this is possible, evaluate everything that I have mentioned.

4.Start your defense as soon as possible if you are not in some of the other cases

This is most likely that there are none of the other options that I just mentioned and there is a need to go to court to defend yourself against the accusation made against you.

Your lawyer should be prepared to discuss the following points:

Your detention was carried out legally: Your lawyer must verify whether the arresting police complied with the legal guidelines for your detention; failure to do so forces the judge to order your release.

If there is evidence against you to prove that a criminal act occurred and that you probably committed it: This point is called connection to the process, at this time your lawyer must analyze if there is any evidence that supports the theory that you were not the person that he carried out the accused act or that you did not participate in it. Likewise, you must analyze if the crime is statute-barred or if there is any exclusion of the crime, such as legitimate defense. If these extremes can be justified, the judge must order your release.

Discuss precautionary measures (It is the most important moment): This is the most important moment of the initial hearing, since the prosecutor will seek to keep you in prison, seeking to justify the risk of you carrying out your trial in freedom. In this case, your defender must have studied in detail the proportionality trial, which is a set of rules that your lawyer must follow to justify to the judge that a measure other than prison may be viable for you to carry out your process in freedom., such as signing, paying bail or not approaching the victim of the crime.

Arrest guide at Tijuana land customs: Action protocol

Firearms inside your vehicle (even with a permit to carry issued by the sheriff), marijuana or drugs for personal use, money or checks for more than \$30,000 dollars or entry of merchandise of \$30,000 dollars or more without paying the taxes established by the Mexican laws.

These are the most common problems that American citizens face when entering Tijuana land customs, since these entries are crimes and sometimes serious crimes with high prison sentences.

We have created this guide, creating an action protocol and steps to follow to achieve the freedom of people arrested for these crimes.

Preventive actions

1. Return to the United States before entering customs (Prevents arrest)

It is the safest option to avoid having a legal problem in Mexico. If when entering Mexico through Tijuana you remember that you have a firearm, drugs or money or values greater than \$30,000 dollars, it is time to return to the United States again. United to remove these objects from your vehicle.

Currently, the Mexican Government has designated military personnel (National Guard) for the purposes of guarding the entry of people into Mexico, which is why there are currently greater searches of the vehicles of American citizens, since experience has shown them that on many occasions, they have weapons or drugs in their possession, so we recommend that you do not trust yourself to think that these objects will not be found.

2. Enter the self-declaration lane if you remembered that you have the aforementioned objects or amounts with you

Self-declaration is a spontaneous reaction that can be used if you are already waiting in line to enter Mexico and remember that you have any of these objects with you.

This action will help you not to be arrested, precisely because the self-declaration has the purpose, on the one hand, of explaining the reasons why you carry with you a weapon, drugs or even money or goods that have to pay taxes, so The Mexican customs authority will explain the legal process to follow in order to avoid having legal problems in Mexico.

This is so every time that the Mexican Government seeks to avoid bringing weapons or drugs into Mexico precisely to take care of national public security and public health, which is why by making this declaration and pointing out to the authority that the entry was an oversight of these objects will show that it is not a criminal act.

Likewise, for those who bring in \$30,000 dollars in cash or more, as well as those who bring in more than \$13,000 in merchandise that has to pay taxes, self-declaration will cause the taxes required by law to be paid but will prevent you from being paid. accused of smuggling.

Reactive actions (What to do if arrested)

1. Go to the prosecutor's offices (FGR) in Tijuana located at Blvd. Gral. Abelardo L. Rodríguez 2930, Zona Urbana Rio Tijuana, where they will send the arrested person for the first 48 hours of his or her detention.

When a person is arrested for a crime in Mexico, the first 48 hours will be sent to the offices of the public ministry, this since the law establishes this time so that the prosecutor can collect evidence and present it after that time in front of the judge. for the purposes of charging charges for carrying illegal weapons, possessing illegal drugs or contraband, to name the most common.

It is important to go immediately to the public prosecutor's offices for the purposes of hiring a lawyer so that they can immediately propose solutions to your case. We recommend that you follow the following tips to choose your lawyer.

1. **Search on Google:** You can search for criminal lawyers in Tijuana on Google, our Justicia transparente firm has the best record of cases won with American citizens.

2. **Call the United States consulate in Tijuana:** The consulate has a list of lawyers who can help you with your case, ask for Justicia transparente or the lawyer German Jalil Terriquez Cordova who is the owner of the firm, remember that the list of lawyers is organized by the alphabetical order of the lawyers, so Justicia transparente will be found at the bottom of the list.

The fact that people arrested in Tijuana do not have a home or address in Tijuana is a legal problem that has the legal consequence of being sent to prison after 48 hours. In Justicia transparente we have solid legal strategies which will help to justify before the judge an address of the arrested person.

In the event that the person has been arrested for carrying firearms in his vehicle and bringing them into Mexico, it must subsequently be analyzed whether the weapon is for the exclusive use of the Mexican army or not, army weapons are considered serious crimes and contemplate penalties, serious, in this article you will be able to verify the penalties for the different types of weapons, contact Justicia transparente so that it can provide you with legal representation with our bilingual lawyers.

2. If the arrested person was not the driver of the vehicle, contact US immediately and we can release it within the first 48 hours.

The criminal law does not have severe punishments for the co-pilot or passengers of a vehicle, this is the case whenever it is difficult for the prosecutor to prove before the judge that they were the possessors or owners of the drug, the weapon or the merchandise.

However, the defense of a lawyer specialized in criminal matters is necessary to point out the legal arguments for the purposes of achieving his release.

3. If the arrested person was imprisoned by order of the judge (3 days after his arrest) we can help you release him

After the first 48 hours of arrest of a person at customs, the person will most likely be sent to the judge in court for an oral hearing, so at that hearing it is possible for the judge to order the person to remain in prison for consideration. that if the arrested person is released, he will no longer return to the appointments made by the judge to appear in court (since Mexican law establishes this rule for people who do not live in Tijuana)

However, for these cases there is good news, human rights in Mexico allow the arrested person to obtain his freedom or even obtain legal benefits that allow him to carry out his process in freedom, these motions before the judge are difficult to argue, Justicia transparente It is the only firm in Tijuana that has managed to free people in this situation, contact us.

How can I know if I have an arrest warrant before being arrested in Mexico?

Finding out that you probably have an active arrest warrant in Mexico will always be a stressful process in your life, not knowing if the police will be looking for you when you are with your family, at work or when entering Mexico from any of its customs.

In this article you will find everything you need to know to have all the necessary information and make all the most important legal decisions before being arrested for the probable commission of a crime.

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- How can I know if I have an arrest warrant before being arrested?
- Tips to avoid being arrested in Mexico
- The arrest warrant for sexual crimes
- Can I see arrest warrants on the internet?
- For which crimes is an arrest warrant issued most frequently?

How do I know if I have an arrest warrant before I am arrested?

Legally, the only way in which we can know if they are looking for us is by requesting an habeas corpus, an habeas corpus for the purpose of informing us if there is an arrest warrant against the complainant who is the accused or accused of a crime. , our law firm can process your protection anywhere in the Mexican Republic by clicking on this link.

This is the only way because evidently when requesting an arrest warrant the prosecutor is acting in secrecy, that is, he has not yet summoned the accused for the purpose of having him appear at any ministerial proceeding, this is because evidently what they want is to capture him.

In practice something happens where you can be very alert, on many occasions an arrest warrant is issued against a defendant, etc., and the prosecutor sends a summons to the

person so that they can go to the department. from the prosecutor and there they execute the arrest warrant and fill it out.

Sometimes these types of activities or these types of actions can make the defense of the accused a little difficult, so what we recommend here is that if you feel that they are looking for you and the police have already gone looking for you, seek advice from a criminal lawyer for the purposes of that you can request protection against an arrest warrant and that they can support you.

It will help a lot to be able to exercise the defense because sometimes what is needed is time to be able to generate a defense in a specific case and sometimes the arrest warrant comes to speed up these terms in order to generate a good defense.

We recommend that if you believe or think that they are wanted and more than anything you know that they have not committed crimes, it is very common for arrest warrants to be issued against innocent people, that is why you should seek the support of a lawyer. panelist for the purposes of indicating which defense to use.

It is not being said that everyone will have to use the defense of requesting protection against an arrest warrant, but it is one of the ways and the one that in most cases is chosen to do, but if they find themselves in this situation they can go. to the services of a criminal lawyer.

Tips to avoid being arrested in Mexico

- If the police come to your house in Mexico and ask you to leave your home (out of the yard towards the public street) do not do it, they may have an arrest warrant (arrest against you).
- If you have been informed or suspect that you have been reported for a crime, check near your house, or on the corners of the block or adjacent streets, to verify if police units are parked, they are probably looking for you.
- Seek the services of a lawyer to analyze through investigation and legal work if you have an arrest warrant against you.

The arrest warrant for sexual crimes

This type of crime deserves a particular section because the way in which arrest warrants are issued for this type of crime is sometimes very fast and with fewer opportunities for defense.

In the event that there is information that there is a complaint for the crime of rape or sexual assault of persons under 14 years of age, it is very likely that the investigation in the prosecutor's office will advance quickly and an arrest warrant may be issued against the person who committed been identified as the person who has committed a crime.

The study of this crime is so particular due to the high level of information available from people who claim not to have committed this crime or that the victim's statement is not correct and the arrest warrants that are issued by the judge for these cases, so you should know more about sexual crimes committed in Mexico, go to your lawyer when you know that you were reported for a crime of this type.

Can I check arrest warrants online?

It is impossible to know if you have an arrest warrant on the Internet, this is because these orders from the judge are delivered in secret, that is, in a private hearing where only the prosecutor and the judge are present, which is subsequently delivered to the police for the purposes of executing it and thereby arresting the person.

Do not pay attention to pages that indicate that they can help you with this question, the only way to know precisely if you have an arrest warrant is with an injunction to verify this situation.

For which crimes is an arrest warrant issued most frequently?

- Murder
- Robbery with violence
- portation of arms
- drug related crimes
- sexual crimes
- crimes committed with violence.

Do you think you may have an arrest warrant against you?

Check our locations and contact us if you need protection against an arrest warrant

Bail in Mexico, what it is, requirements, crimes in which it applies, people to whom it applies.

Bail in the Mexican criminal process, often called “bail” in Spanish, is a term that is now legally known as “precautionary measures” consists of mandates that the criminal judge imposes on people to carry out their process in freedom, these measures They are imposed depending on the type of crime, and the particular circumstances of each case, which we will explain later.

So, in Mexico, bail can be viewed as judicial actions that are taken in the context of a criminal process to guarantee the appearance of the accused (accused) at trial, protect victims and witnesses, and avoid obstruction of justice. These measures seek to balance the presumption of innocence of the accused with the need to maintain public order and ensure that the criminal process is carried out appropriately.

Existing precautionary measures in Mexico

- The periodic presentation before the judge or before another authority designated by the judge;
- The exhibition of a financial guarantee;
- The seizure of property;
- The immobilization of accounts and other values that are within the financial system;
- The prohibition of leaving the country, the town in which you reside or the area without authorization territory established by the judge;
- Submission to the care or supervision of a specific person or institution or confinement to a specific institution;
- The prohibition of attending certain meetings or approaching certain places;
- The prohibition of living together, approaching or communicating with certain people, with victims or offended parties or witnesses, as long as the right of defense is not affected;
- Immediate separation from home;
- Temporary suspension in the exercise of office when a crime committed by public servers;
- The temporary suspension in the exercise of a certain professional or work activity;
- The placement of electronic locators;

- The protection in your own home with the modalities that the judge provides, or
- **Preventive detention.**

Difference between bail and precautionary measure

Bail is one of the 12 precautionary measures that serves to guarantee that a person accused of a crime attends the appointments made by a criminal judge.

Likewise, the measures are any of the 12 indicated above, all of them have the same purpose, that is, to ensure that the free people appear at all summonses issued to them by the criminal judge.

In what type of crimes does bail apply?

As a general rule, in all crimes, precautionary measures are taken to ensure that a person is released from prison. However, Mexico establishes an exception in some crimes, where it is established that people prosecuted for these crimes must remain in prison, these are crimes considered serious in Mexico that establish the exception to the rule.

- **First and Second Homicide:** The intentional killing of another person.
- **Kidnapping:** The illegal deprivation of a person's liberty for the purpose of extortion or with the purpose of causing harm.
- **Femicide:** The murder of a woman for reasons of gender, with specific characteristics established in the legislation.
- **Organized Crime:** Participation in organized crime activities.
- **Drug trafficking:** Crimes related to the trafficking and distribution of illegal drugs.
- **Robbery with Violence:** Robbery in which violence is used or threatened.
- **Corruption of Minors:** Participation in criminal activities involving minors.
- **Extortion:** Demanding money or property from another person under threat.
- **Human Trafficking:** The exploitation of people for sexual or labor exploitation.
- **Rape:** Sexual assault with forced penetration.
- **Sexual Abuse against Minors:** Sexual crimes committed against minors.

It is important to mention that currently in Mexico some judges consider that applying preventive detention violates the human rights of people, so in some crimes indicated in this list there is the possibility of recovering freedom, however in crimes such as first-degree homicide, kidnapping or organized crime, it will be difficult to be released.

People who may be candidates for bail or precautionary measures

Again, any person can agree to pursue their process in freedom, however in some of the cases we mention below freedom could be lost.

- Not having domicile or roots in the place where you were arrested: It can be dangerous for the judge to release a person, for example a person from New York who was arrested in Tijuana, because releasing him would most likely mean that he would not appear again at the hearings to which he is required.
- The behavior of the person before and after the commission of the crime: It is important to note that if the person accused of a crime has a criminal record or investigations subsequent to the crime for which he is being investigated, he could be punished with prison during the process.
- Contempt of previously imposed measures: If during the criminal process a minor measure was imposed on you, such as going to sign and you stopped doing so, this could lead to the judge punishing you with prison.
- Failure to attend to summons from the prosecutor or the judge: If you receive a notification to go to the prosecutor or the judge and you do not go, you may be a candidate for losing your freedom.

Traveling to Mexico with Firearms: What You Need to Know

The arrest of Americans for carrying firearms when entering Mexico is the most common crime and it happens every day in Mexican customs and airports.

This problem is a harsh reality for American families who have seen the need to hire lawyers to free their loved ones from these situations, which leads us to clarify this problem with the answers to all the problems that arise around this problem.

What firearms can I enter from the United States Mexico?

None without a permit issued by the Secretary of National Defense, so in order to have a firearm in any part of Mexican territory you must have first issued said license to carry weapons with the Mexican army, and you must also prove that you are a resident permanent in Mexico, so if you do not meet these two conditions and you are caught carrying a firearm, you will be arrested and sent to the Mexican attorney general's office.

It is important to keep in mind that the fact that you have a permit to carry weapons issued by a State of the American Union will not be valid anywhere in Mexico.

However, there are certain weapons that are exclusive to the Mexican army that you can read about here, which you cannot prove in any way, apart from being considered a serious crime in Mexico.

If I forgot I have a gun in my car and I am caught at customs with it, can I return to the United States?

No, it is very common for Americans to forget that they have a weapon with them in their car and enter Mexico through customs, however, the fact of forgetting the weapon is not a sufficient argument for not committing the crime of carrying weapons if that is the case. You are surprised by customs.

On the other hand, if before entering Mexico you remember that you have a firearm with you, you can seek to return to America or, if applicable, enter the self-declaration lane for the purpose of indicating that you forgot that you forgot to put the weapon down and it will help you not to be arrested.

If I am arrested with a firearm, can the US consulate help me get released?

The consulate can help provide a list of lawyers with knowledge of the English language and experience in these types of cases, however, Mexican law does not establish that the consulate may order the Mexican prosecutor's office or Mexican judges to release Americans who are within these assumptions, so you should necessarily start a defense to recover your freedom.

Is there a way to recover my freedom quickly for this crime?

Yes, the penalties for carrying weapons in Mexico vary depending on the type of weapon, the number of weapons and the bullets or magazines you can take with you, however your freedom can be immediately recovered through any of these three options.

- 1. Being released within the first 48 hours of arrest:** There is the possibility of being released immediately as long as it is not a weapon for the exclusive use of the army and that you can prove an address in the place where you have been arrested so that you can be found by the tax judge in case of being subsequently summoned to face charges.
- 2. Being released by the judge at the first hearing:** If it is not possible for you to meet the requirements indicated in the first point, you will be presented before a judge, who will review whether you were legally arrested and whether the prosecutor has evidence to support the charge that is pointed out to you, if your lawyer manages to prevent this from happening, the judge will order your release.

In this case, your release will be ordered from 3 to 9 days after you were arrested.

3. Agree on a sentence with the prosecutor and be found guilty before the judge: In the event that the first two options are not given, there is the option of agreeing on a sentence with the prosecutor so that you are found guilty before the judge for the crime that accuses the prosecutor, this option will help you recover your freedom always thanks to the benefits granted by Mexican law for these cases and when you meet some requirements such as not having a criminal record, being a hard-working person and of good conduct.

It is important that you be aware that this option will cause you to have a criminal record in Mexico for this crime, however, you can return to Mexico at any time and you will not be arrested again for these same acts.

In this case, your release will be ordered approximately within a period of 15 to 30 days from the date you were arrested.

In our firm we have specialized lawyers who can help you recover your freedom immediately, contact us.

How do I know if I have an arrest warrant in Tijuana?

Arrest warrant? When entering Tijuana from the United States, either through customs or through the airport, it is possible that you could be arrested if you committed a crime and are investigated by the prosecution, however it is very important that you first know everything about the arrest warrant. the most common crimes for which it is ordered, as well as the ways in which you can know if there is an arrest warrant against you and which lawyers can help you defend yourself or eliminate the record of the arrest warrant.

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- Can I search online if I have an arrest warrant in Tijuana?
- Can Mexican customs arrest me for having an arrest warrant?
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- Can I be arrested in the United States if I have an arrest warrant issued by a Mexican judge?
- How to contact a lawyer to help me delete my record before being arrested?

What is an arrest warrant and in what cases can it be issued?

An arrest warrant can only be ordered by a Mexican judge for a crime that has been committed within the city of Tijuana, such as homicide, rape, violent assaults, possession of a weapon, sale of drugs, among other crimes considered serious by the Mexican law.

It is important that you know that traffic tickets or drinking alcoholic beverages are not a crime, so these types of problems do not order these aforementioned arrest warrants.

In order for an arrest to be ordered against you, it is first necessary for the prosecutor to have evidence that helps convince the judge that a crime was committed and that the person who committed it is fully identified.

Also, in the case of American citizens it is very common for arrest warrants to be issued due to the fact that they do not live in the city of Tijuana, the reason for this is because the judge knows that they will not be able to be summoned to court since most likely they will not attend the appointments.

Can I search online if I have an arrest warrant in Tijuana?

The answer is no, arrest warrants are only delivered to the prosecutor in a private hearing, the reason for this is that if the person to whom an arrest warrant has been issued finds out about it, it is very possible that try to stay hidden or even change your address in order to evade arrest by the police.

We have to differentiate an arrest warrant with criminal records, these records are public and the Mexican public security secretary can tell you through a request if a person has a criminal record, on the other hand the arrest warrant comes from a case which is still not resolved in which the prosecutor seeks to find the person to be able to present it to the judge.

Can Mexican customs arrest me for having an arrest warrant?

The answer is yes, the customs authorities in case you are checked when entering Mexico have information within their digital system where they can verify prior identification if the people have an arrest warrant, so if the Customs agents or the military who are now in the checkpoints warn that you have an order against you, they will immediately take you to the disposal of the judge who ordered it and the following day you will have a hearing where the crime for which you are accused will be verified and your responsibility in it.

Can the airport authorities arrest me if I have an arrest warrant?

Yes, you can be arrested at the airport, when you enter the airport there are immigration authorities, however these authorities first analyze your immigration status, so it is less likely that they will be able to know if you have an arrest warrant for a crime, however if when analyzing your immigration status, verify your name on their digital system and it appears that you have an arrest warrant against you, you will be sent to the judge who ordered the warrant so that you can attend a hearing and resolve your legal situation.

Can I be arrested in the United States if I have an arrest warrant issued by a Mexican judge?

Most likely not, in most of the crimes committed in Mexico for which an arrest warrant is ordered, the support of Interpol was not requested to locate a person who is in another country, this is because the Mexican prosecutor only in very controversial cases or very serious crimes such as serial murders of women or drug lords, it requests the support of Interpol or the authorities of other countries in order to be able to arrest the person who is a fugitive from justice.

In all other cases, such as drug possession crimes, possession of firearms or sexual crimes that have not been controversial, you will not be arrested in the United States.

How to contact a lawyer to help me delete my record before being arrested?

In order to avoid being arrested, the best option is to hire a criminal lawyer so that he can present a habeas corpus or write to the judge that reviews the human rights of the accused so that he can first report if the person has an arrest warrant or not.

After that, if the lawyer informs the person concerned if there is indeed an arrest warrant, a legal defense strategy can be initiated in order to initiate a legal defense with the released person and resolve their legal problem.

In our legal firm we can help you solve this type of case, contact the telephone numbers that appear on our website and we will gladly assist you.

Is the consumption of drugs for personal use legal in Tijuana and Mexicali?

Some drugs in Tijuana and Mexicali are legal to consume for personal use, If you want to know more about criminal risks for drug-related crimes, read this guide, however it is very important to point out that there is a very specific list of them as well as the maximum that you can have with you, so if the police forces arrest you with larger amounts or Drugs other than those listed below could face jail time for it.

These are the drugs that you can use for personal consumption:

1. Opium (2 grams)

This drug is indicated in the Mexican general health law as a legal drug for personal consumption, so any person, whether Mexican or foreign, can have opium up to 2 grams for personal use.

In case of having in possession a greater amount of opium, they could face prison sentences from 10 months to 7 years in prison.

2. Heroin (50 milligrams)

The Mexican public health law allows anyone to carry this amount of heroin with them without it being a crime, so you can possess it anywhere in the Mexican Republic.

3. Cannabis Sativa, Indica or Marijuana (5 grams)

The drug known as marijuana is very common, however the small amount allowed by Mexican law has caused several arrests for possessing more than what is established by the general health law.

It is important to note that the penalties for possessing an amount greater than 5 grams are from 10 months to 7 years in prison.

4. Cocaine (500 milligrams)

Cocaine is a legal drug for your personal use only.

Penalties of up to 7 years are those who possess more than what is indicated.

5. LSD (0.015 milligrams)

This drug that was fashionable in the 70s, that drug is legal in Mexico for personal consumption.

Any person regardless of their nationality who is in Tijuana or Mexicali may possess this drug as long as it does not exceed the aforementioned.

6. MDA or love pill (40 milligrams)

The general health law allows possession of this drug, it is important to note that in this case, as in others, it is not necessary to inform the government that you possess these drugs for personal use, since it is considered to be part of the freedom of decision of the people in their health.

7. MDMA also known as ecstasy or molly (40 milligrams)

A well-known recreational drug is legal in Mexico. Possession of this drug must also be possessed within the limits indicated above.

8. Methamphetamine (40 milligrams)

The last drug for legal consumption in Tijuana and Mexicali.

It is very important to note that only the drugs listed in this article are legal, so if you possess any other drug, even in a minimal amount, you could be committing a crime.

Penalties for firearms offences in Mexico

What law regulates the possession of firearms in Mexico and who may be subject to sanctions by this Law?

the law that regulates the possession and carrying firearms, as well as the requirements and rules to follow in order to possess them is the Federal Law on Firearms and Explosives, said law is federal in nature, that is, it applies to the entire Mexican Republic. All issues related to firearms are federal in nature, so this will be the only law that you should analyze when you have a problem for crimes related to this problem.

On the other hand, in case of having been arrested or being investigated for a crime of this nature, the code that will regulate the legal procedure to follow will be the national code of criminal procedures, which governs criminal procedure throughout Mexico.

People who may be subject to penalties for firearms-related crimes include the following people.

- Civilians, whether Mexican or Foreign, who do not have a permit to carry a weapon issued by the Mexican authority empowered to do so (Secretary of National Defense).
- Mexicans or foreigners who enter Mexico through any border customs or airport and are surprised with a firearm prohibited by law without having the corresponding permission from Secretary of National Defense.
- Mexicans or Foreigners who are in some of the cases indicated in the points that we are going to indicate in the points below.

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- Penalties for carrying firearms without a license.
- Penalties for carrying firearms for the exclusive use of the army without a license.
- Penalties for transferring ownership of a firearm without the proper license.
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- Penalties for Possession of firearm cartridges.
- Penalties for Possession of firearm cartridge magazines.
- Penalties for Clandestine introduction into Mexico of Firearms for the exclusive use of the army.
- Penalties for Acquire clandestine of firearms for the exclusive use of the army for commercial purposes.

Penalties for firearms offenses

This is the list of events that can constitute a crime in Mexico.

Carrying one or more of the following firearms without permission from Secretary of National Defense

- 1.- Semi-automatic pistols with a caliber no greater than .380 (9mm.), with the exception of .38 Super and .38 Commando caliber pistols, and also in 9 mm calibers. the Mausser, Luger, Parabellum and Commando, as well as similar models of the same caliber as the excepted ones, from other brands.
- 2.- Revolvers in calibers not higher than .38 Special, with the exception of .357 Magnum caliber.
- 3.- Pistols, revolvers and .22 caliber rifles, round fire.
- 4.- .38 caliber pistols for Olympic or competition shooting purposes.
- 5.- Shotguns in all their calibers and models, except those with a barrel length of less than 635 mm. (25), and those of caliber greater than 12 (.729 or 18. 5 mm.).
- 6.- 3-barrel shotguns in the calibers authorized in the previous section, with a barrel for metallic cartridges of different caliber.
- 7.- High-powered, repeating or semi-automatic rifles, not convertible to automatic, with the exception of 30" caliber carbines, rifles, carabiners and .223" caliber carbines, 7 and 7.62 mm. and .30 caliber Garand rifles.

8.- High-powered rifles of calibers greater than those indicated in the previous paragraph, with special permission for their use abroad, in hunting large game that does not exist in the national fauna.

9.- The other weapons of sporting characteristics in accordance with the legal regulations of hunting, applicable by the State Secretariats or Organizations that have interference, as well as the national and international regulations for competition shooting.

10.- .357 Magnum caliber revolvers and those greater than .38 Special.

11.- 9 mm caliber pistols. Parabellum, Luger and the like, the .38 Super and Commando, and those of higher calibers.

12.- Rifles, carabiners, carbines and tercerolas in caliber .223", 7 mm., 7.62 mm. and .30" caliber carbines in all its models.

13.- Pistols, carbines and rifles with a burst system, submachine guns, submachine guns and machine guns in all their calibers.

14.- Shotguns with a barrel length of less than 635 mm. (25), those with a caliber greater than 12 (.729 or 18.5 mm) and gas launchers, with the exception of those for industrial use.

15.- Ammunition for the aforementioned weapons and cartridges with special devices such as tracers, incendiaries, perforating, smoke, gas expansives and those loaded with shots greater than 00 (.84 cms. in diameter) for shotguns.

16.- Cannons, artillery pieces, mortars and tanks with their attachments, accessories, projectiles and ammunition.

17.- Rocket projectiles, torpedoes, grenades, bombs, mines, depth charges, flamethrowers and the like, as well as the devices, artifices and machines for their launching.

18.- Bayonets, sabers and spears.

19.- Ships, submarines, boats and seaplanes for naval warfare and their weapons.

20.- War aircraft and their weapons.

21.- War devices, gases and chemical substances for exclusively military application, and various devices for use by the armed forces.

In general, all weapons, ammunition and materials intended exclusively for war.

For the purposes of greater understanding, the concept of Carrying firearms means carrying the firearm outside the residence address, that is, the possession occurs when you carry the weapon with you in your car or with you outside your home.

Transferring ownership of a firearm without the proper license

Any of the firearms indicated in the previous section apply to this crime.

Stockpiling weapons without permission from Secretary of national defense

Stockpiling must be understood as the possession of more than five firearms of the exclusive use of the Army, Navy and Air Force.

Possessing firearms without the corresponding license

For Mexican law, possessing means having the weapon out of your range of disposal but with the possibility of being able to take it and use it, such as having the firearm in your house stored in a drawer or safe.

Possession of firearm cartridges

Mexican law also punishes whoever owns cartridges like the ones that appear in the image below, since it is considered to endanger public safety and peace of the nation.

Possession of firearm cartridge magazines

These objects also constitute a crime in Mexico, so it is important to get them out of your car if you live in the United States and intend to travel to Mexico.

Clandestine introduction into Mexico of Firearms for the exclusive use of the army

Mexican law also seeks to protect the clandestine introduction of weapons in order to prevent their distribution to criminal groups or unauthorized persons who may endanger public safety.

Acquire clandestine of firearms for the exclusive use of the army for commercial purposes

The same objective on the part of the Mexican government as the previous point, to avoid the lack of control in the sale of arms and that it reaches the hands of organized crime.

Penalties for carrying firearms without a license

- Penalty: from 3 to 8 years in prison.
- Aggravated by carrying two or more weapons: could reach a maximum penalty of up to 13 years and 4 months in prison.
- Weapons that apply to this crime: Those indicated from number 1 to 9 of the list that appears at the beginning of this article.

Penalties for carrying firearms for the exclusive use of the army without a license.

- Penalty: from 3 months to a year in the case of bayonets, sabers and spears.
- Penalty: from 3 to 10 years in prison if it is about the firearms. indicated in number 10 and 11 of the lists that appears in this article.
- Penalty: from 4 to 15 years if it is one of the firearms indicated from numbers 12 to 21 of the list that appears above.

Penalties for transferring ownership of a firearm without the proper license.

- Penalty: from 1 to 6 years in prison.
- Aggravated to transfer 2 or more firearms: From 5 to 15 years in prison.
- Weapons that apply to this crime: All

Penalties for Stockpiling weapons without permission from Secretary of national defense

- Penalty: from 2 to 9 years if it is about the firearms indicated in number 10 and 11 of the lists that appears in this article.
- Penalty: from 1 to 3 years in prison in the case of bayonets, sabers and spears.
- Penalty: from 5 to 30 years if it is one of the firearms indicated from numbers 12 to 21 of the list that appears above.

Penalties for Possessing firearms for the exclusive use of the army without the corresponding license.

- Penalty: from 3 months to a year in the case of bayonets, sabers and spears.
- Penalty: from 4 to 7 years in prison if it is about the firearms. indicated in number 10 and 11 of the lists that appears in this article.
- Penalty: from 2 to 12 years if it is one of the firearms indicated from numbers 12 to 21 of the list that appears above.

Penalties for Possession of firearm cartridges.

- Penalty: from 1 to 4 years in prison if it is about the firearms. indicated in number 1 and 11 of the lists that appears in this article.
- Penalty: from 4 to 7 years if it is one of the firearms indicated from numbers 12 to 21 of the list that appears above.

Penalties for Possession of firearm cartridge magazines

- Penalty: from 1 to 2 years in prison for 2 to 5 cartridge magazines.
- Penalty: from 4 to 8 years for 5 or more cartridge magazines.

Penalties for Clandestine introduction into Mexico of Firearms for the exclusive use of the army

- Penalty: from 5 to 30 years to those who participate in the introduction to the territory nationally, clandestinely, of weapons, ammunition, cartridges, explosives and materials for use exclusive to the Army, Navy and Air Force.

Penalties for Acquire clandestine of firearms for the exclusive use of the army for commercial purposes.

Penalty: from 2 to 10 years in prison

Finally, we want to mention that all foreigners who enter Mexico through any of its borders or its airports may be subject to these sanctions, for which they must check if they do not have a weapon in their possessions, remember that the fact of having A permit to carry a weapon in the United States or your country of origin is not valid in Mexico.

Guide to drug crimes for Travelers from United States to México

Americans, foreigners or Mexican residents of the United States commonly travel from California, Arizona or Texas to Mexico on a frequent basis, some of them every weekend, so customs has become an area where many arrests occur for commission of crimes related to drugs, and on the other hand the airport for those who travel from other countries and enter any city in the Mexican territory, for all of them we have created this simple guide to substances or drugs that are illegal in Mexico, remember , ignorance of the law does not exempt you from its compliance, so it is of the utmost importance that you read this article before deciding to enter Mexico.

First, we will make the following clear:

- If in your country it is legal to possess that drug, it does not mean that it is also legal in Mexico
- The crime is updated if you forgot the drug in any possession of yours such as your suitcase or your backpack, so you must make sure you do not travel with any drugs.
- The crime is committed from the moment you are caught with the drug in your possession, either with a search by a trained dog, a police search or a spontaneous expression from you if they ask you if you have drugs with you.
- It does not matter if the drug is not yours, if they gave it to you to take care of or it belongs to a friend or relative of yours, if at the time you are surprised the drug was in your possession or radius of availability, it will be detained if it is found in some of the cases that I point out later.

What is the personal consumption allowed in Mexico for drugs of regular consumption?

It is important that you know that possessing an amount greater than that indicated in this table is a crime.

Tabla de Orientación de Dosis Máximas de Consumo Personal e Inmediato		
Narcótico	Dosis máxima de consumo personal e inmediato	
Opio	2 gr.	
Diacetilmorfina o Heroína	50 mg.	
Cannabis Sativa, Indica o Marihuana	5 gr.	
Cocaína	500 mg.	
Lisergida (LSD)	0.015 mg.	
MDA, Metilendioxi Anfetamina	Polvo, granulado o cristal	Tabletas o cápsulas
	40 mg.	Una unidad con peso no mayor a 200 mg.
MDMA, dl-34-metilendioxi-n-dimetilfeniletilamina	40 mg.	Una unidad con peso no mayor a 200 mg.
Metanfetamina	40 mg.	Una unidad con peso no mayor a 200 mg.

That is, possessing an amount greater than that indicated in this table without the corresponding authorization or permit by the competent authority is a crime.

Remember: if you have a permit issued by the health authority of your country to possess larger amounts of drugs than those indicated above, it is not valid in Mexican territory, so avoid falling into this error.

What drugs are a crime in Mexico?

The following substances, vegetables, psychotropics and/or the following substances are considered a crime in Mexico.

- prepared opium
- diacetylmorphine or heroin, their salts or preparations
- papaver somniferum or opium poppy
- papaver bracteatum and erythroxilon novogratense or coca
- -)-aminopropiophenone
- mephedrone
- n,n-diethyltryptamine
- dl-2,5-dimethoxy-methylphenylethylamine
- 3-(1,2-dimethylethyl)-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6h dibenzo(b,d)pyran.
- n,n-dimethyltryptamine
- brolamfetamine
- dl-2,5-dimethoxy-4-ethyl-methylphenylethylamine.
- lsd, lsd-25
- 3,4-methylenedioxyamphetamine
- tenamphetamine
- mescaline (peyote; lophophora williamsii; anhalonium williamsii; anhalonium lewinii)

- dl-5-methoxy-3,4-methylenedioxy-methylphenylethylamine
- parahexyl
- eticcyclidine
- rocyclidine
- pma
- psilocin, psilocybin
- psilocybin
- 2-amino-1-(2,5dimethoxy-4-methyl)phenylpropane
- tenocyclidine
- synthetic cannabinoids
- dl-3,4,5-trimethoxy-methylphenylethylamine.
- 1,3-trifluoromethylpiperazine
- piperonal or heliotropin
- isosafrole
- safrole
- benzyl cyanide
- alpha-phenylacetoacetonitrile (apaan)
- amobarbital
- amphetamine
- butorphanol
- cyclobarbital
- dextroamphetamine (dexamphetamine)
- fenetylline
- phencyclidine
- pentobarbital
- mecloqualone
- methaqualone
- methamphetamine
- nalbuphine
- pentobarbital
- secobarbital.
- tetrahydrocannabinol,
- benzodiazepines
- barbituric acid (2, 4, 6 trihydroxy pyrimidine)
- alprazolam
- amoxapine
- bromazepam
- brotizolam
- camazepam
- clobazam
- clonazepam
- chloracepate
- dipotassium
- chlordiazepoxide
- clothiazepam
- cloxazolam
- clozapine
- delorazepam
- diazepam
- ephedrine
- ergometrine (ergonovine)
- ergotamine
- estazolam
- 1-phenyl-2-propanone
- phenylpropanolamine
- fludiazepam
- flunitrazepam
- flurazepam
- halazepam
- haloxazolam
- ketazolam
- ethyl loflazepate
- loprazolam
- lorazepam
- lormetazepam
- medazepam
- midazolam
- nimetazepam
- nitrazepam
- nordazepam
- oxazepam

- oxazolam
- pemoline
- pimozone
- pinazepam
- prazepam
- pseudoephedrine
- quazepam
- risperidone
- temazepam
- tetrazepam
- triazolam
- zipeprol
- zopiclone
- amfepramone
(diethylpropion)
-
- carisoprodol
- clobenzorex
(chlorpheniramine)
- etchlorvinol
- phendimetrazine
- fenproporex
- phentermine
- glutethimide
- chloral hydrate
- ketamine
- mefenorex
- meprobamate
- trihexyphenidyl

Now, now we are going to point out step by step the behaviors that constitute a crime in Mexico

Drugs that can be consumed and possessed for personal use

Article 478 of the General Health Law establishes that possession for personal use will not be considered a crime, under some exceptions.

“Article 478.- The Public Prosecutor shall not exercise criminal action for the crime provided for in the previous article, against whoever is a drug addict or consumer and possesses any of the narcotics indicated in the table, in equal or less quantity than that provided in the itself, for its strict personal consumption and outside the places indicated in section II of article 475 of this Law”.

Exception to the rule: If you possess in Mexico in any of the places that I will establish below, possession will be a crime regardless of the amount destined for personal consumption.

Places where it is prohibited to possess drugs in Mexico.

- schools
- care,
- police or prison

List and quantities of drugs that can be consumed and possessed for personal consumption (possessing a quantity greater than that indicated will be considered a crime)

Tabla de Orientación de Dosis Máximas de Consumo Personal e Inmediato		
Narcótico	Dosis máxima de consumo personal e inmediato	
Opio	2 gr.	
Diacetilmorfina o Heroína	50 mg.	
Cannabis Sativa, Indica o Marihuana	5 gr.	
Cocaína	500 mg.	
Lisergida (LSD)	0.015 mg.	
MDA, Metilendioxfanfetamina	Polvo, granulado o cristal	Tabletas o cápsulas
	40 mg.	Una unidad con peso no mayor a 200 mg.
MDMA, dl-34-metilendioxi-n-dimetilfeniletilamina	40 mg.	Una unidad con peso no mayor a 200 mg.
Metanfetamina	40 mg.	Una unidad con peso no mayor a 200 mg.

1. Trade or supply any of the drugs indicated in the table above

Penalties: From 4 to 8 years

Ex officio pretrial detention is appropriate: Not applicable

Aggravating: That the person to whom it is traded or supplied is a minor or does not have the capacity to understand the fact or it is sold in educational, welfare, police or prison centers, that it is carried out by people in charge of combating these crimes such as doctors and use these situations to commit them (the penalty is aggravated from 7 to 15 years)

There is a possibility of reaching an agreement: no

Explanation of the following concepts.

By supply is understood the material transmission, directly or indirectly, for any reason, of the possession of narcotics.

Commerce is the economic activity that consists of the transfer and exchange of goods and services between people or between other entities in the economy.

2. Possession for purposes of trade or supply of any of the drugs indicated in the table above

Penalties: From 3 to 6 years
Ex officio pretrial detention is appropriate: Not applicable
There is a possibility of reaching an agreement: yes, an agreement can be reached with the prosecution to terminate the case.

3. Simple possession of any of the drugs indicated in the table above

Penalties: From 10 months to 3 years
Ex officio pretrial detention is appropriate: Not applicable
There is a possibility of reaching an agreement: yes, an agreement can be reached with the prosecution to terminate the case

4. Transportation of some of the drugs designated as substances that are criminal in Mexico

Penalties: From 10 to 25 years
Ex officio preventive detention is appropriate: If applicable
There is a possibility of reaching an agreement: no

Transportation should be understood as taking or moving the drug from one place to another, generally using a means of transportation.

5. Trade, supply even for free or prescribe any of the drugs designated as substances that are criminal offenses in Mexico

Penalties: From 10 to 25 years
Ex officio preventive detention is appropriate: If applicable
There is a possibility of reaching an agreement: no

6. Introduce to Mexico some of the drugs designated as substances that are criminal in Mexico

Penalties: From 10 to 25 years
Ex officio preventive detention is appropriate: If applicable
There is a possibility of reaching an agreement: no

7. Possession of any of the drugs indicated as substances that are a crime in Mexico when it is for the purpose of trading, transporting, supplying or prescribing them.

Penalties: From 5 to 15 years
Ex officio preventive detention is appropriate: If applicable
There is a possibility of reaching an agreement: no

8. Simple possession of any of the drugs designated as substances that are criminal offenses in Mexico

Penalties: From 4 to 7 years
Ex officio preventive detention is appropriate: If applicable
There is a possibility of reaching an agreement: no

This guide will help you to travel to Mexico calmly and not make mistakes that could lead you to lose your freedom.

5 things you need to know and do if you were arrested at Mexican customs with a weapon

Millions of cars pass through Mexico-United States customs, from Tijuana-San Ysidro to Matamoros-Brownsville, which is why, on many occasions, US citizens forget that they carry their weapons in their vehicle and on many occasions when they are checked by Mexican customs agents. and the national guard are surprised with the weapon in their vehicle and sent to the offices of the public ministry, but what should I do or know when I find myself in this situation? With these questions you will know

1. What will happen in my legal situation?

The first thing that will happen is that the authorities that arrested the person with the weapon, which may be the Mexican customs agent or the Mexican National Guard, will carry out all the corresponding documentation, which is called “approved police report” itself. which will include a report of the events that occurred during the detention, the reading of the rights of the detained person (in the event that the detained person does not speak Spanish, they must seek an authority that speaks the language of the detainee), as well as the insured weapon and the vehicle in which they were traveling, all this information and the weapon will be sent to the offices of the prosecutor of the public ministry together with the detainee so that they can initiate an investigation for a period of 48 hours in order to continue investigating what happened.

This is the law that regulates this alleged assumption.

Article 146. Cases of flagrante crime A person may be detained without a warrant in case of flagrante crime. It is understood that there is flagrante when:

- I. The person is arrested at the time of committing a crime, or
- II. Immediately after committing it, she is arrested, by virtue of the fact that:
 - a) Is caught committing the crime and is materially and uninterruptedly persecuted, or

b) When the person is pointed out by the victim or offended, an eyewitness of the facts or who has intervened with her in the commission of the crime and when she has in her possession instruments, objects, products of the crime or has information or indications that make it reasonably presumed that he intervened in it.

For the purposes of section II, subparagraph b), of this precept, it is considered that the person has been arrested in flagrante delicto for signaling, as long as, immediately after committing the crime, his search or location has not been interrupted.

Article 147. Detention in flagrante arrested Any person may detain another in the commission of a flagrante arrested, and must immediately deliver the detainee to the nearest authority and the latter with the same promptness to the Public Prosecutor's Office.

The public security forces will be obliged to arrest those who commit a flagrant crime and will register the arrest.

The inspection carried out by the security forces on the accused must be conducted in accordance with the guidelines established for this purpose in this Code.

In this case or when they receive a detained person from any person or authority, they must immediately bring it before the Public Ministry, who will record the time at which they are making it available.

2. What options exist to be released if I am arrested in Mexico for carrying weapons?

The options to carry out your process in freedom will increase if the weapon is not for the exclusive use of the Mexican army (same weapons that we will explain later) and if you have roots in the place where you have been detained (roots means living and having your family in the state where you have been detained).

On the other hand, if the weapon for which you have been arrested is for the exclusive use of the Mexican army and armed forces (which we will point out later) or does not have roots in the place where you have been arrested (for example, if you live in California and have been detained in Tijuana) the probability of carrying out your process in prison and not being released within 48 hours increases significantly.

However, there are several legal strategies to achieve the freedom of the detainee in both cases.

It is important to note that being released is not the same as being declared innocent of a case opened against you for the crime of weapons, so when the public prosecutor begins to investigate the criminal matter against the detainee, You can assign a lawyer you trust to analyze the file and verify if the accusation is about a weapon that is not for the exclusive use of the army. In this case, you can seek an agreement with the prosecutor of the public ministry so that the person is released for the purpose of carrying out his investigation in freedom, in accordance with the provisions of this article

Article 140. Freedom during the investigation
In cases of arrest for flagrante crime, in the case of crimes that do not deserve informal pretrial detention and the Public Prosecutor determines that it will not request pretrial detention as a precautionary measure, it may order the release of the accused or impose a protection measure under the terms of the provided by this Code.

When the Public Prosecutor decrees the freedom of the accused, it will warn him so that he refrains from bothering or affecting the victim or offended party and the witnesses of the fact, not to hinder the investigation and to appear as many times as is summoned for the practice of investigation proceedings. investigation, warning him to impose measures of urgency in case of unjustified disobedience.

This release does not mean that you have been acquitted of the crime for which you are being accused (carrying weapons, cartridges, among others), what will happen is that you will later be summoned to a release hearing for the purpose of appearing before the judge (the court). for the purposes of hearing the fact for which he was being investigated, where you will have the opportunity to defend yourself.

3. What options do I have to be released in court before the Judge?

In order to be released before the judge, three points must be analyzed, in the following order:

Analyze whether the detention carried out by customs agents or the national guard was legal: The first thing that the judge analyzes is this situation, so if this detention was not carried out in accordance with what the law indicates, the judge will order the release.

Analyze whether the detention carried out by customs agents or the national guard was legal: The first thing that the judge analyzes is this situation, so if this detention was not carried out in accordance with what the law indicates, the judge will order the release.

If the arrest was legal, then it will be possible to debate whether there is enough evidence to prosecute the detainee, in the event that the judge considers that there is not, or in its case, that there is some excluding crime or cause excluding crime (for example that you have permission to carry weapons in Mexico) then the person in court will be released

In the event that the judge considers that there are sufficient elements to be prosecuted, he decided to link the detainee to the process, however it is possible that you can be released by the precautionary measure that can be imposed, which means that you will take your process in freedom.

What are non-serious weapons related crimes?

In the event that you have been arrested carrying or in possession of any of these weapons, this means that your crime is not serious, so in these cases, as long as you have roots in the city where you were arrested, you will surely be released in 48 hours.

These are the weapons that are not for the exclusive use of the army:

I.- Semi-automatic pistols with a caliber not exceeding .380 (9mm.), with the exception of .38 Super and .38 Commando caliber pistols, and also in 9 mm calibers. the Mausser, Luger, Parabellum and Command, as well as similar models of the same caliber as the excepted ones, from other brands

II.- Revolvers in calibers not higher than .38 Special, excepting the .357 Magnum caliber.

I.- Pistols, revolvers and .22 caliber rifles, circular fire.

II.- .38 caliber pistols for Olympic or competition shooting purposes.

III.- Shotguns in all their calibers and models, except those with a barrel length of less than 635 mm. (25), and those of caliber greater than 12 (.729 or 18. 5 mm.).

IV.- 3-barrel shotguns in the calibers authorized in the previous section, with a barrel for metallic cartridges of different caliber.

V.- High-powered, repeating or semi-automatic rifles, not convertible to automatic, with the exception of 30" caliber carbines, rifles, carabiners and .223" caliber carbines, 7 and 7.62 mm. and .30" caliber Garand rifles

VI.- High-powered rifles of calibers greater than those indicated in the previous paragraph, with special permission for their use abroad, in hunting large game that does not exist in the national fauna.

VII.- The other weapons of sporting characteristics in accordance with the legal regulations of hunting, applicable by the State Secretariats or Organisms that have interference, as well as the national and international regulations for competition shooting.

If you have been arrested carrying one of these weapons and you do not live in the city where you were arrested for being a foreigner, it is advisable to seek an expert lawyer in criminal matters in order to seek your release within the first hours of your arrest.

What are the serious crimes related to carrying weapons?

a).- .357 Magnum caliber revolvers and those greater than .38 Special.

b).- 9 mm caliber pistols. Parabellum, Luger and the like, the .38 Super and Commando, and those of higher calibers.

c).- Rifles, carabiners, carbines and third guns in caliber .223", 7 mm., 7.62 mm. and .30" caliber carbines in all its models

d).- Pistols, carbines and rifles with a burst system, submachine guns, submachine guns and machine guns in all their calibers.

e).- Shotguns with a barrel length of less than 635 mm. (25), those with a caliber greater than 12 (.729 or 18.5 mm) and gas launchers, with the exception of those for industrial use.

f).- Ammunition for the above weapons and cartridges with special devices such as tracers, incendiaries, perforating, smoke, expansive gases and those loaded with shots greater than 00 (.84 cms. in diameter) for shotguns.

g).- Cannons, artillery pieces, mortars and tanks with their attachments, accessories, projectiles and ammunition.

h).- Rocket projectiles, torpedoes, grenades, bombs, mines, depth charges, flamethrowers and the like, as well as the devices, artifices and machines for their launching.

i).- Bayonets, sabers and spears.

j).- Ships, submarines, boats and hydroplanes for naval warfare and their weapons.

k).- War aircraft and their weapons.

l).- War devices, gases and chemical substances for exclusively military application, and various devices for use by the armed forces.

In the event of having been arrested carrying any of these weapons, it is advisable to immediately seek the services of an expert lawyer in criminal matters in order to be able to attend to your case in a particular way.

When can the police check me in Mexico?

The supreme court of justice of the nation determined that the police can search your vehicle without a prior court order, but for this, certain requirements are met that the authority must follow in order to carry out said nuisance.

If you are a citizen residing in the United States and you do not have knowledge about these requirements, stay and then we will tell you some of them.

Although we have already commented that the supreme court of justice of the nation determined that the police can do such an act of annoyance, it also determined those rules to avoid confusion, this in order that the review does not imply an illegality in the act of inconvenience.

The police officer can only inspect a person or vehicles if there is a criminal investigation involved, in which the person or vehicle has the same characteristics as the person responsible for the crime.

The Court details that the inspection in case of flagrante delicto can only be carried out if there is "reasonable suspicion" that the person coincides with the characteristics of the person denounced as the probable person responsible for the crime committed.

If a police officer observes that facts or circumstances are being committed which lead him to suppose that a crime is being committed in the vehicle, he can search it.

If you were arrested and you are not in any of these circumstances, contact us in transparent justice – criminal lawyers and we will advise you legally.

Personal consumption of weed is illegal in Mexico?

Personal consumption of weed is illegal in Mexico. That leads us to another resolution that happened in 2019 by the Supreme Court of Justice of the Nation, which declared the prohibition of the recreational use of weed unconstitutional. This after analyzing five protections that were granted between 2015 and 2018. This means that the people that no federal judge will be able to deny protection to the people who request them for the consumption of personal cannabis, only having permission to grow it, but not to commercialize it, nor consume it in public places.

In March of this year, the Senate of the Republic approved legislation that will seek the creation of a body in charge of supervising the cultivation, production and commercialization of cannabis, thus regulating the consumption of the drug. Said legislation increases the legal quantity to carry from 5 grams to 28 grams. However, this law is NOT IN EFFECT yet.

If the opinion is approved in the Chamber of Deputies, people will be able to carry up to 28 grams of cannabis, equivalent to a pack of 28 cigarettes. In addition, you can have 6 to 8 cannabis plants in your home, without ending up in jail. The reforms to the General Health Law and the Penal Code that prohibited recreational consumption, however, lack the approval of the Chamber of Deputies, this legislation would place Mexico as the third country, after Uruguay and Canada, that regulates the use of recreational cannabis at the federal level.

It is not legal to consume it in public places. This is where many get confused. It is legal to carry it, but not to smoke it.

If you exceed the amount of 5 grams you can be prosecuted for the crime of drug trafficking. The same if you cultivate without a shelter. At least until the weed legalization ruling is implemented.