

*UNOFFICIAL TRANSLATION OF STATEMENT FROM BRAZIL PROSECUTOR  
GENERAL'S OFFICE*

November 23, 2015

## **Prosecutor General's Office Will Join Case of Child Being Held in Brazil Without Consent of American Father**

*Nicolas Brann, age 6, was taken by a Brazilian mother in July 2013*

The Prosecutor General's Office (PGR) received on November 20th, the complaint of American Christopher Brann about the residence of his 6-year-old in Brazil without his consent. Nicolas Brann was brought by his mother, a Brazilian Marcelle Guimarães, in July 2013, with the permission of his father as he was expected to return to Houston in the United States that same month. At the meeting with his father and his lawyer, the Assistant Secretary of International Cooperation, Carlos Bruno Ferreira da Silva, said the Prosecutor General's Office will join the case.

The purpose of the International Cooperation Department (SCI) is to help the process that was undertaken by the Bahia Federal Court to have a faster outcome, as defining the question of custody is not its focus. The Federal Public Ministry, as a prosecutor of law, confirms that the Hague Convention on the Civil Aspects of International Child Abduction was correctly applied in the case. During the meeting, Christopher Brann also accused the mother of the child of altering documents that were submitted in the lawsuit. As soon as this formal accusation of a crime is accepted, it will be forwarded to the prosecutor with assignment to the case in the first instance.

History - According to information from Christopher Brann in September 2012, Marcelle Guimarães filed for divorce in Houston, Texas, requesting joint custody of the child. Possessing dual American and Brazilian citizenship, she declared her residence in Houston, requested the exercise of the court's jurisdiction over their divorce and all child custody issues. On January 18, 2013, based on mutual agreement between Brann and Guimarães, the Texas court issued an order of joint custody and affirmed that the primary residence of the child should be Texas.

In early May 2013, Guimarães asked Brann to be able to travel with the child to Brazil for the wedding of her brother. To receive assurances of Nicolas's return, on 20 May 2013, Brann and

Guimarães created a travel agreement filed in court, according to which Guimarães could travel to Brazil on 2 July 2013 and return on 20 July 2013.

Only later Brann claims to have discovered that the child's mother filled out a registration form to register the child in the school of her family, *Escola Nova Nossa Infancia*, and learned Marcelle Guimarães received and accepted a job offer signed by her aunt, certified in May 13, 2013. For him, it was clear that she had intended to move the residence of Nicolas in violation of the Texas court order on 18 January 2013, and that she did not intend to honor the travel agreement before instructing her lawyers to sign it.

The registration form and job offer were presented by Guimarães as annexes to her petition for sole custody to the State Court of Justice of Bahia in Salvador, filed on 10 July 2013. On 22 July 2013, the State Court Justice of Bahia in Salvador awarded custody of Nicolas to Marcelle. According to Brann, he only learned of the decision in mid-August 2013.

Brann filed a complaint in the Federal Court in Salvador, on 1 October 2013 under the scope of the Hague Convention. According to him, earlier documents filed in the State Court of Bahia in Salvador showed that the abduction was premeditated and Guimarães then decided to file a different version of the enrollment form, dated 10 July 2013. Guimarães also claimed in the Federal Court of Brazil that Brann has never had legal custody of Nicolas, that she was allowed by law to remove him from Texas, and that she was unaware of the travel agreement signed by her lawyer under her instruction.

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