

23-CV-0375

Cause No. \_\_\_\_\_

**Marcus A. Silva,**

Plaintiff,

v.

**Jackie Noyola; Amy Carpenter,**  
formerly known as Amy Symmank;  
and **Aracely Garcia,**

Defendants.

IN THE DISTRICT COURT

GALVESTON COUNTY, TEXAS

Galveston County - 56th District Court

\_\_\_\_ JUDICIAL DISTRICT

### PLAINTIFF'S ORIGINAL PETITION

Under the law of Texas, a person who assists a pregnant woman in obtaining a self-managed abortion has committed the crime of murder and can be sued for wrongful death. *See* Texas Penal Code § 1.07; *id.* at § 19.02; *id.* at § 19.06 (murder statute); Tex. Civ. Prac. & Rem. Code § 71.001 *et seq.* (wrongful-death statute).

In defiance of these laws, defendants Jackie Noyola and Amy Carpenter<sup>1</sup> assisted Brittini Silva in murdering Ms. Silva's unborn child with illegally obtained abortion pills. Ms. Noyola and Ms. Carpenter also instructed Ms. Silva to conceal their criminal and murderous actions from plaintiff Marcus A. Silva, the father of the child and the husband of Brittini Silva. Ms. Noyola arranged for the delivery of the illegal drugs from Aracely Garcia, which were used to murder baby Silva in July of 2022.

Marcus Silva recently learned of the defendants' involvement in the murder of his child, and he brings suit against them for wrongful death and conspiracy.

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1. At the time of the events in this petition, Ms. Carpenter's name was Amy Symmank. She married in January of 2023 and is currently known as Amy Carpenter.

Status Conference Set for ~~06/01/2023~~  
XXXXXXXX

06/08/23

## DISCOVERY CONTROL PLAN

1. The plaintiff intends to conduct discovery under Level 3 of the rules set forth in Rule 190 of the Texas Rules of Civil Procedure.

## PARTIES

2. Plaintiff Marcus Silva resides in Galveston County.

3. Defendant Jackie Noyola resides in Texas. She can be served at her place of employment at 3401 Louisiana Street, Suite 400, Houston, Texas, 77002.

4. Defendant Amy Carpenter resides in Texas. She can be served at her place of employment at 3401 Louisiana Street, Suite 400, Houston, Texas, 77002.

5. Defendant Aracely Garcia resides in Texas. She can be served at 705 Wellington Street, Houston, Texas 77076.

## JURISDICTION AND VENUE

6. The Court has subject-matter jurisdiction under article V, § 8 of the Texas Constitution. The plaintiff seeks relief that can be granted by courts of law or equity.

7. The Court has personal jurisdiction over each of the defendants.

8. Venue is proper because a substantial part of the events or omissions giving rise to the claims occurred in Galveston County. *See* Tex. Civ. Prac. & Rem. Code § 15.002(a)(1).

## FACTS

9. Marcus Silva and Brittini Silva were husband and wife before divorcing in February of 2023. They have two living daughters, in addition to the unborn child that the defendants murdered.

10. In July of 2022, while married to Marcus, Brittini discovered that she was pregnant with a child conceived with Marcus. Brittini concealed this pregnancy from her husband and decided to kill the unborn child without Marcus's knowledge or consent.

11. After Brittini informed Noyola and Carpenter that she was pregnant, Noyola and Carpenter conspired with Brittini to murder her unborn child with illegally obtained abortion pills. *See* Exhibits 1–5. Noyola and Carpenter also conspired with

Brittini to conceal the pregnancy and murder from Marcus, the father of the unborn child and the then-husband of Brittini.

12. Text messages reveal that Jackie Noyola and Amy Carpenter assisted Brittini in obtaining abortion pills through illegal means. *See* Exhibits 1–5.

13. In a group text exchange among the threesome, Noyola initially texted Brittini information from the website of Aid Access, a criminal organization that illegally ships abortion pills into Texas and other jurisdictions where abortion has been outlawed. *See* Exhibit 2.

14. Someone on the text exchange acknowledged, however, that “the legality of having [the pills] shipped here is murky.” *Id.*; *see also* 18 U.S.C. § 1462(c) (imposing federal criminal liability on any person who knowingly receives shipments of abortion pills from any express company, common carrier, or interactive computer service).

15. Shortly afterward, Noyola texted and informed Brittini that she could obtain the pills in Houston:

Ohhhh ok no so we have pills here in Houston

So no you wouldn't have to fly. You could get them from us or your could order some online but they're expensive and I think take maybe a week or 2 to get here

You wouldn't have to pay anything with us of course.

Exhibit 2. The content of those text messages appears to have been written by someone else and then forwarded by Noyola to the group text exchange consisting of Noyola, Carpenter, and Brittini.

16. Then the following text exchange ensued:

Brittini: I'd be willing to do the pills for sure

Brittini: She knows how to get them in Houston?

Jackie: Yes.

Brittini: What do I need to do to do that

Jackie: Are you sure  
Jackie: We can talk about it when you are back

Brittini: Yea let's talk about it. But I read over that option too, I just thought you had to actually go to the state to get it. I read that it's similar to a miscarriage and can be done more at home generally.

Jackie: Yeah!

Brittini: If I don't have to travel that would make things so much easier

Amy: Dude yeah

Exhibit 2.

17. Then Noyola offered to allow Brittini to use her residence for the murder:

Jackie: You can do it at home. We can take the day off and do it at my place if you want

Jackie: Sometime when you get it

Brittini: I'm 100% good with that. Just let me know what I need to do and I'll get on it asap

Jackie: Yeah I'm waiting on her

Brittini: Thank you so much

Exhibit 2.

18. Carpenter then sent a text message to the group praising Noyola for her efforts to murder Marcus and Brittini's unborn child, while absolving Brittini of responsibility for the pregnancy and the murder:

Amy: Jackie you're good people. Thanks for looking into all that. Brittini- just another obstacle to overcome. Stop fucking Marcus- and if you fuck anyone else get a plan B!!<sup>2</sup>

Amy: I know you know that- but I can't leave it unsaid

---

2. Someone placed a "heart" symbol next to this text message from Carpenter (it is unclear whether this heart was placed by Noyola or Brittini).

Brittni: 100%

Brittni: Jackie your help means the world to me. Im so lucky to have y'all. Really. And yes no more of that. I was stupid to be doing it at all. I didn't think this would happen since it hasn't in 7 fucking years either. But it's still on me.

Brittni: I know I fucked up. Not letting that shit happen again.

Amy: Mistakes happen. You can't spiral. Hopefully this is the slap in the body that you need to remove yourself from him.

Brittni: Yea it is for sure. Can't risk shit like that generally. Especially with him.

Exhibit 2.

19. Later Noyola texted the group to announce that the abortion pills would soon arrive, and the trio conspired on how to carry out the murder and conceal the murder from Marcus:

Jackie: She can deliver tonight.<sup>3</sup>

Brittni: Fuck yeah dude.

Brittni: I don't have anyone to watch the kids Friday so I can't take off.

Brittni: I can skip my board meeting Monday and have someone cover B16 for me and do it then.

Brittni: Unless I did it over the weekend.

Amy: Do it over the weekend.

Amy: Start them on Friday.<sup>4</sup>

Amy: No one will be at my house.

Amy: Go hang out over there.

Amy: Or just see how it goes.

Brittni: Like in the morning?

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3. Someone placed a “!!” symbol next to this text message from Noyola (it is unclear whether this symbol was placed by Carpenter or Brittni).

4. Someone placed a “!!” symbol next to this text message from Carpenter (it is unclear whether this symbol was placed by Noyola or Brittni).

Amy: Have a heavy period and stay in bed. Marcus can figure the kids out.

Amy: I just worry about your emotional state and he'll be able to snake his way into your head.

Brittni: Yea. I mean I'd have the kids with me wherever I am for Friday. So I could maybe work from home that day and do it while he's at work

Brittni: Or generally just take the day

Amy: Yeah true.

Amy: But if the second day is the bad day, maybe start Thursday?

Jackie: I'm meeting her tonight.

Jackie: I'll bring it tomorrow.<sup>5</sup>

Brittni: Thank you Jackie!!!

Brittni: I can start it when I get home from my night meeting on Thursday if anything. Then have Friday without him home

Jackie: Np. It's what needs to be done homie.

Brittni: You're right about that.

Exhibit 4.

20. Later in the conversation, Noyola and Carpenter instructed Brittni to destroy evidence of their crimes, in violation of Texas Penal Code § 37.09(d):

Jackie: Ok. She's getting them at 8/830 tonight so I'll have to meet her after that. She is not charging. That saves a good amount. Delete all conversations from today.

Jackie: You don't want him looking through it

Brittni: Got it. Will do for sure

Amy: And get rid of the test and wrapper. Not at home.

Jackie: Like as soon as you are home

Jackie: Britniiiiiiiii where did you throw that

---

5. Someone placed a "!!" symbol next to this text message from Noyola (it is unclear whether this symbol was placed by Carpenter or Brittni).

Brittni: I will for sure.  
Brittni: Throw what??.  
Brittni: Haha

Jackie: The test.

Brittni: Oh I trashed it in a big can at work like outside in a bag. I didn't take that home.

Jackie: Ok good.

Exhibit 4.

21. Jackie Noyola arranged for the delivery of these abortion pills through Aracely Garcia. A text-message exchange between Noyola and Garcia is attached as Exhibit 5, which Noyola forwarded to Brittni when informing Brittni of her efforts to obtain abortion pills in Houston.

22. On Halloween of 2022, Noyola, Carpenter, and Brittni celebrated the murder by dressing up in Handmaid's Tale costumes for Halloween. Noyola is standing in the center, dressed in a blue suit. Carpenter is to the right of Noyola (Noyola's left) dressed in blue. Brittni is to the right of Carpenter dressed in red:



This picture is displayed on the Facebook page of Myrtle Cruz Inc., which employs Noyola, Carpenter, and Brittnei. *See* <https://www.facebook.com/mcruzinc> (last visited on March 9, 2023); [bit.ly/40xC5eY](https://bit.ly/40xC5eY) (last visited on March 9, 2023).

### CLAIM FOR RELIEF NO. 1 — WRONGFUL DEATH

23. The wrongful-death statute allows surviving parents to sue those who cause the death of an unborn child by a wrongful act, neglect, carelessness, unskillfulness, or default. *See* Tex. Civ. Prac. & Rem. Code § 71.002(b) (“A person is liable for damages arising from an injury that causes an individual’s death if the injury was caused by the person’s or his agent’s or servant’s wrongful act, neglect, carelessness, unskillfulness, or default.”); Tex. Civ. Prac. & Rem. Code § 71.001(4) (“‘Individual’ includes an unborn child at every stage of gestation from fertilization until birth.”).

24. Jackie Noyola, Amy Carpenter, and Aracely Garcia each caused the death of baby Silva through their wrongful acts. Abortion is a criminal offense in Texas unless the life of the mother is endangered,<sup>6</sup> and the abortion of baby Silva occurred after *Dobbs v. Jackson Women’s Health Organization*, 142 S. Ct. 2228, 2245 (2022), which eliminated any court-invented license to flout or disregard the state’s abortion laws. Assisting a self-managed abortion in Texas is also an act of murder. *See* Texas Penal Code § 1.07; *id.* at § 19.02; *id.* at § 19.06 (murder statute). And even before *Dobbs*, abortion was illegal in Texas when performed by anyone other than a licensed physician. Defendants Noyola, Carpenter, and Garcia all knew that they were aiding or abetting a self-managed abortion, which is a wrongful act and a criminal act of murder under Texas law, and each of them has the *mens rea* needed to trigger application of the wrongful-death statute.

25. The manufacturer of the abortion pills that Brittnei used is jointly and severally liable for the wrongful death of baby Silva, and it will be added as a defendant

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6. *See* Tex. Rev. Civ. Stat. art. 4512.1–4512.6.



once identified in discovery. The manufacturer of the pills caused the death of baby Silva through a “wrongful act” because it violated 18 U.S.C. §§ 1461–1462, which imposes federal criminal liability on anyone who knowingly sends abortion pills through the mail or through any express company, common carrier, or interactive computer service.

26. The Biden Administration’s Office of Legal Counsel recently interpreted 18 U.S.C. §§ 1461–1462 to apply only when the sender of the drugs intends for the recipient to use them unlawfully. *See Application of the Comstock Act to the Mailing of Prescription Drugs That Can Be Used for Abortions*, 46 Op. O.L.C. \_\_\_ (Dec. 23, 2022). But this limitation is nowhere to be found in the text of the statute, as the OLC opinion admits. *See id.* at 5 (admitting that its interpretation of 18 U.S.C. §§ 1461–1462 is “narrower than a literal reading might suggest.”). The OLC opinion is not binding on the state judiciary and is not entitled to deference from the state courts. And the Texas judiciary interprets statutes according what they actually say, not according to what the Biden Administration or pro-abortion lawyers want them to say. *See Cadena Comercial USA Corp. v. Tex. Alcoholic Beverage Comm’n*, 518 S.W.3d 318, 326 (Tex. 2017) (“[W]e take statutes as we find them and refrain from rewriting the Legislature’s text.”); *Whole Woman’s Health v. Jackson*, 642 S.W.3d 569, 577 (Tex. 2022) (“We cannot rewrite the statute by adding . . . or replacing . . . word[s]”).

27. Any other person or entity involved in the distribution of the abortion pills that Brittnei used is jointly and severally liable for the wrongful death of baby Silva if they violated 18 U.S.C. §§ 1461–1462 or committed an illegal or wrongful act, and those individuals will be added as defendants once identified in discovery.

28. Brittnei Silva, as the mother of the murdered unborn child, is exempt from civil and criminal liability and Marcus is not pursuing any claims against her. *See* Tex. Civ. Prac. & Rem. Code § 71.003(c)(1) (“This subchapter does not apply to a claim

for the death of an individual who is an unborn child that is brought against. . . the mother of the unborn child”); *see also* Tex. Penal Code § 19.06(1); Tex. Health & Safety Code § 170A.003.

29. None of the remaining exceptions in the wrongful-death statute shield the defendants (or the manufacturers and distributors of the abortion pills) from liability. Sections 71.003(c)(2) and (c)(4) are inapplicable because none of the defendants are physicians or licensed health-care providers. Section 71.003(c)(3) is inapplicable because the abortion pills were not dispensed or administered “in accordance with law.” Noyola, Carpenter, and Garcia are liable under section 71.003 and must pay damages to Marcus for murdering baby Silva.

**CLAIM FOR RELIEF NO. 2 — CONSPIRACY BETWEEN  
NOYOLA AND CARPENTER**

30. Jackie Noyola and Amy Carpenter conspired with each other to murder baby Silva with abortion pills, and each of them is liable for the resulting death. *See First United Pentecostal Church of Beaumont v. Parker*, 514 S.W.3d 214, 222 (Tex. 2017).

31. Each of the five elements of a civil conspiracy is present. Noyola and Carpenter combined to accomplish the object of murdering baby Silva with abortion pills, and there was a meeting of the minds on that course of action. Jackie Noyola took at least one overt act in pursuance of that objective by obtaining the abortion pills and delivering them to Brittni Silva, which resulted in damages when baby Silva was murdered. *See id.* (describing the elements of civil conspiracy). And both Noyola and Carpenter took additional overt acts in furtherance of the conspiracy by inviting Brittni to use their homes for the murder. *See* Exhibit 2 (“Jackie: You can do it at home. We can take the day off and do it at my place if you want.”); Exhibit 4 (“Amy: No one will be at my house. Go hang out over there.”).

**CLAIM FOR RELIEF NO. 3 — CONSPIRACY BETWEEN  
NOYOLA AND GARCIA**

32. Jackie Noyola and Aracely Garcia conspired with each other to murder baby Silva with abortion pills, and each of them is liable for the resulting death. *See First United Pentecostal Church of Beaumont v. Parker*, 514 S.W.3d 214, 222 (Tex. 2017).

33. Each of the five elements of a civil conspiracy is present. Noyola and Garcia combined to accomplish the object of murdering an unborn child with abortion pills, and there was a meeting of the minds on that course of action. Jackie Noyola took at least one overt act in pursuance of that objective by obtaining the abortion pills and delivering them to Brittni Silva, which resulted in damages when baby Silva was murdered. *See id.* (describing the elements of civil conspiracy).

**DEMAND FOR JUDGMENT**

Mr. Silva demands the following relief:

- a. an award of nominal, compensatory, and punitive damages against each of the defendants for the wrongful death of Mr. Silva's unborn child, in an amount over \$1,000,000;
- b. an injunction that restrains each of the defendants from distributing abortion pills or assisting in illegal self-managed abortions in Texas;
- c. an award of costs and attorneys' fees; and
- d. all other relief that the Court may deem just, proper, or equitable.

Respectfully submitted.

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\* *pro hac vice* applications pending

Dated: March 9, 2023

*Counsel for Plaintiff*

# Exhibit 1



Bebes ❤️ 🍷 🍷 >

Yes I would.

Just in case

Hahah I do that a lot if it's right before 8 😂

Today 11:27 AM

So I don't qualify for the financial help for the number you gave me Jackie but she said she can refer me to places in New Mexico or Colorado

Jackie

Ok ok

I'm still waiting on another place

Amy 🍷 🍷 ❤️

I'll look around too... I don't know a lot about that though

Jackie

When was your last period

First day may 29 last June

Amy 🍷 🍷 ❤️

Where's your head at?



Bebes 🍷🍷🍷 >



Jackie



Ok ok



I'm still waiting on another place

Amy 🍷🍷🍷❤️



I'll look around too... I don't know a lot about that though

Jackie



When was your last period

First day may 29 last June 1

Amy 🍷🍷🍷❤️



Where's your head at?

Jackie

## *Find abortion care and support*

Search the most comprehensive directory of verified providers and support resources in the U.S.

**Where Can I Get an Abortion? | U.S. Abortion Clinic Locator**

[abortionfinder.org](https://abortionfinder.org)



Bebes 🍷🍷 >

**Where Can I Get an Abortion? | U.S.  
Abortion Clinic Locator**

[abortionfinder.org](http://abortionfinder.org)

If you scroll at the bottom there are clinics and also some telehealth options for the Apill

All over the place. Pissed at myself overall. Not questioning if this is what needs to happen, I know it does. If this were younger me I wouldn't even think it was an option. But overall I'm pissed. I shouldn't have been doing that shit and just let it happen even knowing that. Trying to figure out the appointment stuff and how I can get it done asap. Wishing it was available here so I could take a day and get it done.

Now there is so much more involved and I'm just mad at myself for it all.

I know either way he will use it against me. If I told him before, which I'm not, he would use it as try to stay with me. And after the fact, I know he will try to act like he has some right to the decision. At that point at least it won't matter though.

I really need to get my head out of my

iMessage





Bebes ❤️ 🍷 👫 >

knowing that. Trying to figure out the appointment stuff and how I can get it done asap. Wishing it was available here so I could take a day and get it done.

Now there is so much more involved and I'm just mad at myself for it all.

I know either way he will use it against me. If I told him before, which I'm not, he would use it as try to stay with me. And after the fact, I know he will try to act like he has some right to the decision. At that point at least it won't matter though.

I really need to get my head out of my ass and figure my shit out.

Jackie

called Signal and messaging me

# Exhibit 2



Bebes >

Jackie

**For a safe abortion or miscarriage treatment**  
[aidaccess.org](https://aidaccess.org)

I want to share another possible option with you but I understand if you're not comfortable with it. Most abortions before 12 weeks are done through medication abortions. It requires taking 2 different kinds of medication, Misoprostol and Mifepristone. Abortion experts and medical experts have explained that it is completely safe to take these pills at home and go through the entire process at home. Obviously it's not legal here but I am connected with folks who can get you some meds if traveling is not an...

Read More

2m

We provide the meds and walk you through all the steps. If ANYTHING abnormal were to happen which is rare, you'd be able to go to the doc and just say you had a miscarriage. The doctor wouldn't know the difference. It's just important to be very safe about talking about this

You

So do you think doing a telehealth and getting the pill would be safe?

So I believe you can get the pills yourself through [aidaccess.org](https://aidaccess.org)

So do you think doing a telehealth and getting the pill would be safe?

1m 

You

So do you think doing a telehealth and getting the pill would be safe?

So I believe you can get the pills yourself through [aidaccess.org](https://aidaccess.org)

But the legality of having them shipped here is murky

1m

I wasn't understanding if the pill would be sent or still had to fly to get it

1m 

Ohhhh ok no so we have pills here in Houston

So no you wouldn't have to fly. You could get them from us or you could order some online but they're expensive and I think take maybe a week or 2 to get here

You wouldn't have to pay anything with us of course.

Now





Done

3 of 9

So do you think doing a telehealth and getting the pill would be safe?

1m 

You

So do you think doing a telehealth and getting the pill would be safe?

So I believe you can get the pills yourself through [aidaccess.org](https://aidaccess.org)

But the legality of having them shipped here is murky

1m

I wasn't understanding if the pill would be sent or still had to fly to get it

1m 

Ohhhh ok no so we have pills here in Houston

So no you wouldn't have to fly. You could get them from us or you could order some online but they're expensive and I think take maybe a week or 2 to get here

You wouldn't have to pay anything with us of course.

Now





Bebes ❤️ 🍷 🍷 >

order some online but they're expensive and I think take maybe a week or 2 to get here



I'd be willing to do the pills for sure

She knows how to get them in Houston?

Jackie

Yes



What do I need to do to do that

Jackie

Are you sure

We can talk about it when you are back



Bebes ❤️ 🤝 🤝 >

Jackie

Are you sure

We can talk about it when you are back

Yea let's talk about it. But I read over that option too, I just thought you had to actually go to the state to get it. I read that it's similar to a miscarriage and can be done more at home generally.

Jackie

Yeah!

If I don't have to travel that would make things so much easier

Amy 🍷 🤝 ❤️

Dude yeah

Bebes ❤️ 🙏 🙏 >

that option too, I just thought you had to actually go to the state to get it. I read that it's similar to a miscarriage and can be done more at home generally.

Jackie

Yeah!

If I don't have to travel that would make things so much easier

Amy 🙏 🙏 ❤️

Dude yeah

And from what I've read and based off my last period I'm still in the spot where I could do the pills

Jackie

You can do it at home. We can take the day off and do it at my place if you want

Sometime when you get it

I'm 100% good with that. Just let me know what I need to do and I'll get on it asap

Jackie

Yeah I'm waiting on her

iMessage



Bebes 🍷👩👧 >

And from what I've read and based off my last period I'm still in the spot where I could do the pills

Jackie

You can do it at home. We can take the day off and do it at my place if you want

Sometime when you get it

I'm 100% good with that. Just let me know what I need to do and I'll get on it asap

Jackie

Yeah I'm waiting on her

Thank you so much

Amy 🍷👩👧💚

Jackie you're good people. Thanks

Bebes ❤️ 🍷 👫 >

Amy 🍷 👫 ❤️

Jackie you're good people. Thanks for looking into all that. Brittini- just another obstacle to overcome. Stop fucking Marcus- and if you fuck anyone else get a plan B!!

I know you know that- but I can't leave it unsaid

100%

Jackie your help means the world to me. Im so lucky to have y'all. Really. And yes no more of that. I was stupid to be doing it at all. I didn't think this would happen since it hasn't in 7 fucking years either. But it's still on me.

I know I fucked up. Not letting that shit happen again.

Amy 🍷 👫 ❤️

Mistakes happen. You can't spiral. Hopefully this is the slap in the body that you need to remove yourself from him

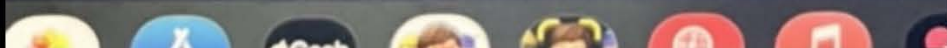
Yea it is for sure. Can't risk shit like that generally. Especially with him.

Jackie

MAKING YOUR OWN DECISIONS IS THE ONLY WAY TO GET BACK TO YOU



iMessage



# Exhibit 3



Bebes ❤️ 🍷 🍷 >

This pdf is from the aid access website which is run by doctors 11m



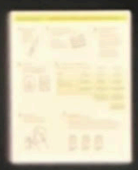
Thank you so much!! Now 🗨️

+ New Message 🗨️ 📷 🎤

I Yeah Oh

Q W E R T Y U I O P

A S D F G H J K L



abortion\_pills\_protocol\_a...



Read over it britni



Read over it britni

It's important to know you have options if you just look a little. You have people around you. Marcus is so insignificant

So ideally I would take the day when I'm taking the 4 all together from what I'm reading

The pain will suck, but I'm assuming either way there is going to be pain associated with it. Also the travel aspect

Just the consequence I have to face at this point imo.

Amy 🍷 👫 ❤️

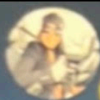
It will be the same as a miscarriage- which I have had.

I have too so then nothing I haven't faced before

Amy 🍷 👫 ❤️

The pain of not doing it is entirely worse. You have to face the consequences of your actions- and lack of actions- like you just said above. And honestly ZERO reason to tell Marcus if you aren't going anywhere

# Exhibit 4



Bebes 🍷🍷🍷 >

right

Jackie

Oh it's a mix

Rose

Haha yea not the wine 😂

Idk maybe that is mekenna. Either way they're loud haha.

Jackie

Hey if that was your last period then you could be less weeks right?

What do you mean?

Jackie

It's up too 6 weeks right?

Like then you could be less than that



Bebes 🤱👶 >



Jackie

It's up too 6 weeks right?

Like then you could be less than that

Because you had your last period 6 weeks ago

Yea I would think so. I mean I would assume I got pregnant when I was ovulating after the start of that period

So I'd think that means I'm more like 5 weeks than 6

Jackie

Ok

She asked to confirm

Got ya.

Amy 🤱👶❤️

Ovulation window can be like a large window though. Just take that into account

Plus- you don't remember when conception was?

Not specifically by date no

Ovulation is the blues

iMessage





Bebes 🍷👯👯 >

Got ya.

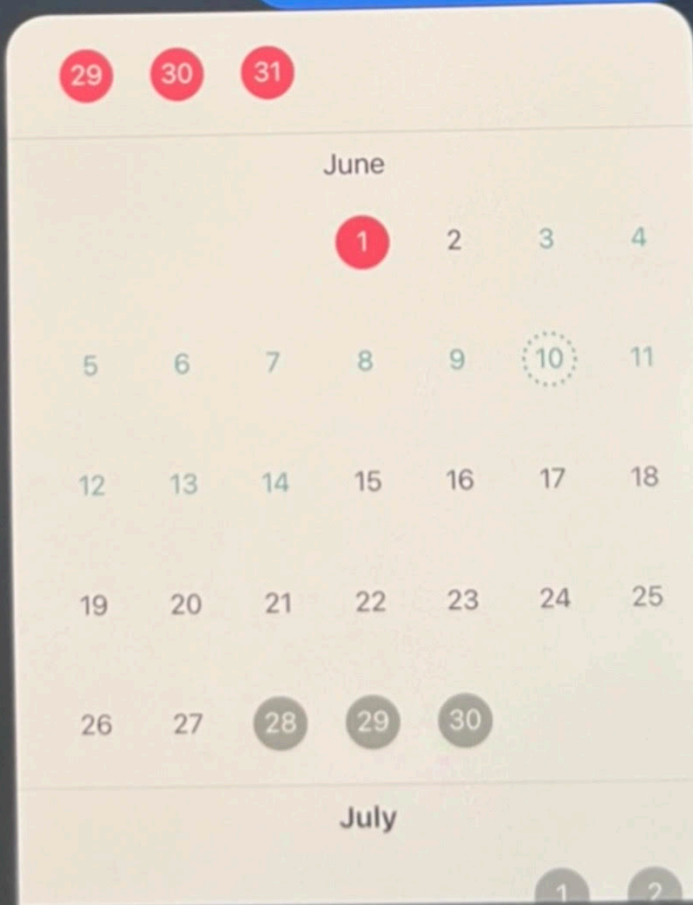
Amy 🌱👯👯💚

Ovulation window can be like a large window though. Just take that into account

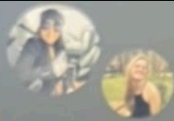
Plus- you don't remember when conception was?

Not specifically by date no

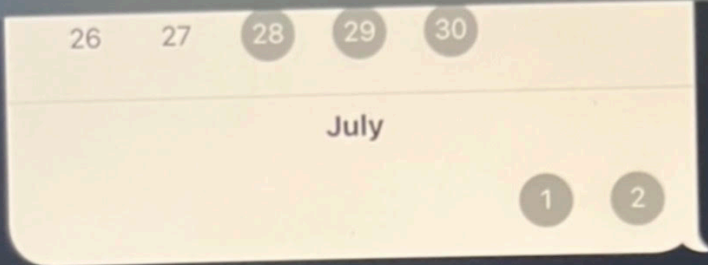
Ovulation is the blues



iMessage



Bebes 🍷🍷 >



Amy 🍷🍷❤️



Yeah- big window

Jackie



Ok well that's good



She can deliver tonight



Fuck yea dude

I don't have anyone to watch the kids Friday so I can't take off.

I can skip my board meeting Monday and have someone cover B16 for me and do it then

Unless I did it over the weekend

Amy 🍷🍷❤️



Do it over the weekend

Start them on Friday



No one will be at my house

Go hang out over there

Bebes ❤️ 🍷 👫 >

I can skip my board meeting Monday and have someone cover B16 for me and do it then

Unless I did it over the weekend

Amy 🍷 👫 ❤️

Do it over the weekend

Start them on Friday

No one will be at my house

Go hang out over there

Or just see how it goes.

Like in the morning?

Amy 🍷 👫 ❤️

Have a heavy period and stay in bed. Marcus can figure the kids out

I just worry about your emotional state and he'll be able to snake his way into your head

Yea. I mean I'd have the kids with me wherever I am for Friday. So I could just maybe work from home that day and do it while he's at work

Or just generally take the day



iMessage





Bebes ❤️ 🍷 👫 >

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No one will be at my house

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wherever I am for Friday. So I could  
just maybe work from home that day  
and do it while he's at work

Or just generally take the day

Amy 🍷 👫 ❤️

Yeah true

But if the second day is the bad day,  
maybe start Thursday?

Jackie



iMessage



Have a heavy period and stay in bed.  
Marcus can figure the kids out

I just worry about your emotional  
state and he'll be able to snake his  
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Yea. I mean I'd have the kids with me  
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just maybe work from home that day  
and do it while he's at work

Or just generally take the day

Amy 🌱 👫 ❤️

Yeah true

But if the second day is the bad day,  
maybe start Thursday?

Jackie

I'm meeting her tonight

I'll bring it tomorrow

Thank you Jackie!!!

I can start it when I get home from  
my night meeting on Thursday if  
anything. Then have Friday without  
him home

Jackie

Or just generally take the day

Amy 🍷👯👯💚

Yeah true

But if the second day is the bad day, maybe start Thursday?

Jackie

I'm meeting her tonight

I'll bring it tomorrow

Thank you Jackie!!!

I can start it when I get home from my night meeting on Thursday if anything. Then have Friday without him home

Jackie

Np. It's what needs to be done homie

You're right about t

Jackie

I don't think you need the first pull

Pull

Pill



Bebes 🍷🍷🍷 >

anything. Then have Friday without him home

Jackie

Np. It's what needs to be done homie

You're right about that

Jackie

I don't think you need the first pull

Pull

Pill

Really? Why's that?

Jackie

Waiting for her to confirm what I understood

But you aren't passed 8 weeks

Nvm

Lol

Same instructions

Hahaha okay okay

I was like, the directions said you still do the first one up to 8 weeks unless I read it wrong

Bebes 🧡 🧑🏻 🧑🏻 >

Really? Why's that?

Jackie

Waiting for her to confirm what I understood

But you aren't passed 8 weeks

Nvm

Lol

Same instructions

Hahaha okay okay

I was like, the directions said you still do the first one up to 8 weeks unless I read it wrong

Jackie

Ok. She's getting them at 8/830 tonight so I'll have to meet her after that. She is not charging. That saves a good amount.

Delete all conversations from today.

You don't want him looking through it

Got it. Will do for sure

Amy 🧡 🧑🏻 🧑🏻 🧡

And get rid of the test and wrapper.



Bebes 🍷🍷👫 >

Hahaha okay okay

I was like, the directions said you still do the first one up to 8 weeks unless I read it wrong

Jackie

Ok. She's getting them at 8/830 tonight so I'll have to meet her after that. She is not charging. That saves a good amount.

Delete all conversations from today.

You don't want him looking through it

Got it. Will do for sure

Amy 🍷🍷🍷💚

And get rid of the test and wrapper. Not at home

Jackie

Like as soon as you are home

Britniiiiiiiiii where did you throw that

I will for sure.

Throw what??

Haha

Jackie

Bebes ❤️ 📱 👤 >

Ok. She's getting them at 8/830 tonight so I'll have to meet her after that. She is not charging. That saves a good amount.

Delete all conversations from today.

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I will for sure.

Throw wh

Jackie

The test.

Oh I trashed it in a big can at work like outside in a bag. I didn't take that home.

Bebes 🧡 🧑🏻 🧑🏻 >

Amy 🍷 🧑🏻 🧑🏻 🧡

And get rid of the test and wrapper.  
Not at home

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I will for sure.

Throw what??

Haha

Jackie

The test.

Oh I trashed it in a big can at work  
like outside in a bag. I didn't take  
home.

Jackie

Ok good

Yea no way I was taking that all home.

Next year on prime day, I'm going to  
get all the things

Today 6:38 PM

# Exhibit 5





**Aracely**  
araselfie



Hey Jackie do you mind downloading a messaging app called Signal and messaging me through there? It's just safer for both of us



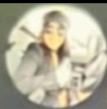
My number is 7139926670

I don't mind give me a mi



Done





Bebes ❤️ 🍷 🍷 >



Done



Message...



"Done"

Doné



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Still waiting to see if I get anything useful

Thank you Jackie.

### **Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Jonathan Mitchell on behalf of Jonathan Mitchell  
Bar No. 24075463  
jonathan@mitchell.law  
Envelope ID: 73531852  
Status as of 3/10/2023 10:03 AM CST

Associated Case Party: Marcus Silva

<b>Name</b>	<b>BarNumber</b>	<b>Email</b>	<b>TimestampSubmitted</b>	<b>Status</b>
Jonathan F.Mitchell		jonathan@mitchell.law	3/9/2023 6:43:54 PM	SENT