

English Translation of Legal Document

Case Number: 0047270-98.2024.8.17.9000 - Criminal Habeas Corpus

Date: 09/23/2024

Court: 4th Criminal Chamber - Recife

Judge's Office: Office of Judge Eduardo Guilliod Maranhão, 4th Criminal Chamber

Last Distribution: 09/06/2024

Subject: Preventive Detention

Request for Preliminary Injunction or Early Relief? Yes

Parties:

- Patient: Darwin Henrique da Silva Filho
- Attorney: Ademar Rigueira Neto
- Authorizing Authority: 12th Criminal Court of Recife/PE

Decision Overview:

This case involves a Habeas Corpus petition filed on behalf of the patient, Darwin Henrique da Silva

Filho, against the decision of the 12th Criminal Court of Recife/PE, regarding his preventive detention in case number 0022884-49.2024.8.17.2001.

The defense argued that:

1. After a report was submitted by the police, the public prosecutor's office did not file charges and returned the case for further investigation.
2. The prosecutor also suggested replacing preventive detention with other precautionary measures, citing excessive delays as a violation of the procedural deadlines.
3. Citing previous rulings, the defense emphasized the importance of considering the prosecutor's favorable opinion on revoking preventive detention.

Court's Ruling:

Judge Eduardo Guillod Maranhão noted that the prosecution had not yet filed charges and required further investigation, which resulted in the continuation of preventive detention. However, this caused an illegal delay, warranting the revocation of the preventive detention.

Based on this, the judge granted the patient's release from preventive detention, with the following conditions:

- The patient must not change their address without prior judicial authorization.
- The patient must not leave their area of residence without judicial permission.
- The patient must not commit any other criminal offenses.
- The patient must report to the 12th Criminal Court within 24 hours to sign a commitment agreement, acknowledging these conditions.

Additionally, the patient is prohibited from engaging with any companies related to the ongoing

investigation or participating in any decisions concerning them, either directly or indirectly.

The decision also extended the same relief to other individuals involved in related cases.