

Under Russian law, a deceased person can be tried and convicted of a crime only if the case is brought to rehabilitation of the charge. "An initiated criminal case is subject to termination on the death of the suspect or accused except in cases where criminal proceedings are necessary for the rehabilitation of the deceased." In this case it was Magritskiy's mother, with the broader-armed attorney Sorokhin, who wanted to continue the case. The Russian court declined, quite the opposite of what Broder charged.)

#### APPROVED

City of Moscow on May 22, 2014

Two-day District Court of Moscow, consisting of the chairman, Judge Nesterova TV, under the secretary Pospelova ES, with the participation of: the prosecutor from the second department for the supervision of the investigation of criminal cases in the Investigative Committee of the Russian Federation of the Office for the Supervision of Investigation of especially important cases of the Prosecutor General's Office of the Russian Federation Tyshkovskiy SA, lawyer Gorkhlov NA, having examined in an open court session a complaint submitted in accordance of art. 129 of the Code of Criminal Procedure of the Russian Federation by Magritskiy NN, for the action of the senior investigator for particularly important cases of investigation of organized criminal activity in the sphere of economy of the Investigative Committee of the Ministry of Internal Affairs of Russia Urbanovskaya OV, expressed in a resolution on December 28, 2010 a decree on refusal to initiate Criminal case proceedings against Magritskiy S.L. on the basis, stipulated by item 4 of part 1 of Art. 24 of the Code of Criminal Procedure,

#### Established:

December 28, 2010 by senior investigator for particularly important cases of the Office for the Investigation of Organized Crime in the sphere of economies of the Investigative Committee under the Ministry of Internal Affairs of Russia Urbanovskaya OV in the criminal case No. 152/10, a decision was rendered to deny the initiation of criminal proceedings against Magritskiy S.L. On the basis, stipulated by item 4 of part 1 of Art. 24 of the Code of Criminal Procedure.

Applicant Magritskaya NN, who is the mother of Magritskiy SL, appealed to the court with a complaint under Art. 129 of the CCP RF, requesting to deem as illegal and unfounded the actions of the senior investigator for especially important cases of management to investigate organized criminal activity in the sphere of economies of the Investigative Committee under the Ministry of Internal Affairs Russia Urbanovskaya OV. The actions of Urbanovskaya were expressed in the pronouncement on December 28, 2010 decision on refusal to initiate criminal proceedings against Magritskiy S.L. on the basis provided for by Clause 4 Part 1 of Art. 24 of the Code of Criminal Procedure, pointing out that there set forth in the descriptive-motivational part of the given decision of the action, falling under the signs of the corpus delicti, stipulated by Part 4 of Art. 159 of the Criminal Code, that Magritskiy S.L. was not accused or suspected by the court of committing these criminal actions.