



**JUZGADO DE PRIMERA INSTANCIA E INSTRUCCIÓN
NUMERO 2
ALMENDRALEJO**

*Document 15
Translated from the Spanish original*

PROCEDURE: APPEAL OF FREE JUSTICE 514/08.

SENTENCE

In Almendralejo City on fourth of December of 2.008.

Viewed by D^a. M^a. ROSARIO PÉREZ-CARRASCO, replacing the Judge of the Court of I^a Instance and Instruction number 2 of Almendralejo and his Party, the proceeding of the VERBAL JUDGMENT followed in this Court and registered with the number 514 of the year 2.008, at instance of the **PLATFORM AGAINST THE CONTAMINATION OF ALMENDRALEJO**, with domicile in street Guadalupe, n^o 17 of Almendralejo (Badajoz), in its own name and right, against **THE COMMISSION OF FREE JURIDICAL ASSISTANCE**, with domicile in Avenue of Europe, n^o. 1 of Badajoz, which representation in the person of the Attorney general, properly cited, does not appear to judgment, attending to the following ones

FACTS ANTECEDENTS

FIRST. - For the PLATFORM AGAINST THE CONTAMINATION OF ALMENDRALEJO in writing presented with date July 8 of 2.008, there appeared writing of appeal of the refusal of the Profit of Free Justice, in which after there alleged the facts that he was estimating of application and that are not reproduced in benefit of briefness, it ended up by requesting resolution was dictated granting the profit of the Free Justice.

SECOND. - Admitted to step the resolution appeal on the right of free juridical assistance for Providence of date October 22 of 2.008, the parts were summoned for the appearance foreseen in the article 20 of the Law of Free Juridical Assistance for December 2 of 2.008, the above mentioned appearance having been celebrated with the result that acts in this proceeding.

THIRD. - In the procedure of this process the legal prescriptions in force have been observed.

LAW ESSENTIALS

FIRST. - This procedure takes as an object to oppose the free juridical assistance that the Commission of Free Juridical Assistance has refused to the Platform against the Contamination of Almendralejo for understanding that the petitioner does not assemble the basic requisites demanded for the recognition of the right in accordance with the arranged in the article 2, separated c) of the Law 1/96 of Free Juridical Assistance.

On the opposing part, it is requested of the Commission of Free Juridical Assistance of Badajoz that is reconsidered and grants the refused profit of free justice, alleging the law enforcement 27/2006, of July 18, in his articles 3.3 and 23. As the only evidence there is the writing in the proceeding.

Opposite to the above mentioned pretension, the opposed part does not appear, it is on record in the process the resolution for which he remembers to refuse to the opposing part the right to the Free Juridical Assistance for not meeting the requisites established in the articles 2, separated c) of the Law 1/1996 of January 10, about Free Juridical Assistance.

SECOND. - The article 2, separated c) of the mentioned Law 1/96 establishes that the only legal persons who has right to the free juridical assistance when they credit resources insufficiency to dispute are: The associations of public use, foreseen in the article 4 of the Law 191/1964, of December 24 and the Foundations inscribed in the corresponding administrative Register.

As supports the soliciting part of the profit of Free Justice, the Law 27/2006, of July 18 it establishes in his article 23.2 that the legal persons without fortitude of lucre to which the previous paragraph refers will have right of free juridical assistance in the terms foreseen in the Law 1/1996, of January 10 of Free Juridical Assistance.

Por todo lo expuesto, de la prueba practicada en el acto del juicio, resulta probado que no se cumplen los requisitos legalmente exigidos, procediendo desestimar la pretensión solicitada.

For all that has been exposed, of the evidence practiced in the act of the judgment, it turns out to be proven that do not fulfill the requisites legally demanded, proceeding to reject the requested pretension.

Viewed the said articles and others of general and pertinent application.

RESOLUTION

That I MUST REJECT AND REJECT the appeal interposed by THE PLATFORM AGAINST THE CONTAMINATION OF ALMENDRALEJO, against THE COMMISSION OF FREE JURIDICAL ASSISTANCE, without recognizing the right to justice free.



This resolution is not firm and against it there fits resource of appeal about which there will know the Provincial Hearing of Badajoz and that, in his case, will have to be interposed before this Court, in writing and with the formalities prepared in the articles 449.1 and 457 of the Law of Civil Indictment, in the course of FIVE WORKING DAYS following that of his notification.

This way for this resolution, judging in the First Instance, I arrange it, I am in charge and sign.

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