

[Seals of the Justice Administrations]

NO. 2 COURT OF FIRST INSTANCE AND INSTRUCTION OF NOIA

PLAZA DE LA CONSTITUCION, S/N, 15200, NOIA (A CORUÑA) TFNO 881997512/13 (PENAL)
Telephone: 881997510/11 (CIVIL) Fax: 881997514
E-mail:

Team/user: TG
Model: 421010

PRELIMINARY INVESTIGATION IN SUMMARY (CRIMINAL) PROCEEDINGS NO. 0000223/2017

N.I.G: 15057 41 2 2017 0000598

Offence/Minor Offence: AGAINST NATURAL RESOURCES AND THE ENVIRONMENT

Complainant/Complainant: VERDEGAIA

Attorney: [REDACTED]

Lawyer: [REDACTED]

Against: LAWYER OF THE [AUTONOMOUS] COMMUNITY [OF GALICIA]

Attorney:

Lawyer:

ORDER

Given in NOIA, on the twenty-seventh day of May in the year two thousand and twenty.

FACTS

FIRST.- In this Court, the present preliminary proceedings have been processed after their opening on 27 July 2017 by virtue of complaint no. 246/2017 of the Public Prosecutor's Office for an alleged offence AGAINST NATURAL RESOURCES AND THE ENVIRONMENT, having carried out the proceedings that have been deemed necessary to determine the nature and circumstances of the facts, persons who participated in them and the competent body to prosecute them.

SECOND.- On 2/01/2020, the 2nd Section of the Provincial Court of A Coruña declared the nullity of the order dated 9-2-18 and decided that the appropriate decision should be issued in accordance with the proceedings carried out prior to that decision.

Once the Public Prosecutor's Office had been notified, it reported that the proceedings should be closed as it was not possible to issue an indictment, without the prior declaration of the defendant as a defendant under investigation.

LAW

SINGLE.- In view of the foregoing and by virtue of the accusatory principle inferred by our Criminal Law, the proceedings should be dismissed.

Article 641.2 of the Law of Criminal Proceedings establishes that a provisional dismissal of the proceedings is appropriate when a crime has been committed and there are insufficient grounds to charge a certain person or persons as perpetrators, accomplices or accessories; Therefore, in accordance with art.779.1.1.1, it is appropriate to agree to the the case to be

closed, given that the maximum time limit for taking a statement from the person under investigation has elapsed.

In view of the aforementioned articles and others of general and relevant application,

OPERATIVE PART

I **AGREE** to provisionally dismiss and stay the Preliminary Proceedings No. 223/2017.

MODE OF APPEAL: by means of lodging an **APPEAL of REFORM** and subsidiary **APPEAL** within **THREE DAYS** of notification or direct **APPEAL** within **FIVE DAYS** of its notification.

So orders and signs [REDACTED], JUDGE of the No. 2 Court of First Instance and Instruction of Noia. I bear witness.

THE JUDGE

THE LEGAL ADVISER FOR THE ADMINISTRATION OF JUSTICE

IT IS HEREBY ESTABLISHED: As a result of what has been agreed, the present proceedings are registered under number 0000223/2017 in the General Register, and with the number 0000223 /2017 in the Register Book of in the Register of Preliminary Proceedings. I bear witness.

The dissemination of the text of this decision to parties not interested in the proceedings in which it has been issued may only be carried out after dissociation of the personal data contained therein and with full respect for the right to privacy, the rights of persons requiring a special duty of protection or the guarantee of anonymity of the victims or injured parties, where appropriate.

The personal data included in this resolution may not be transferred or communicated for purposes contrary to the law.