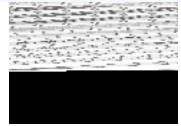




CENTRAL CRIMINAL COURT BARRA FUNDA
12TH CRIMINAL COURT



ORDER

Case no: **1028327-50.2021.8.26.0050 - C. 2021/001439**
Defendant: **Johnatan Joseph Nader**

See.

The São Paulo Public Prosecutor's Office, acting in a specialized role through Cyber Gaeco, denounced the Defendant for committing the crime provided for in article 184, paragraph 3, of the Penal Code, for having, in theory, offered to the public, by means of cable, optical fiber, satellite, waves or any other system that allows the user to select the work or production to receive it at a time and place previously determined by the person making the demand, with the intention of direct or indirect profit, without the express authorization of the author, the performer, the phonogram producer, or whoever represents them.

In response to the indictment, the defense argued for the dismissal of the complaint, alleging, in summary, a lack of just cause and insufficient evidence.

The Public Prosecutor's Office, in a subsequent statement, reiterated the arguments in the complaint, maintaining the presence of sufficient evidence of materiality and authorship.

Having analyzed the case file, it can be seen that the complaint meets the requirements of article 41 of the Code of Criminal Procedure, describing a typical event, indicating the time, place and circumstances, as well as identifying the accused and the applicable type of crime. The indictment is based on minimal evidence, consisting of documents and expert reports, which, at this stage, are sufficient to support a judgment of admissibility.

Just cause, an essential element for the complaint to be accepted, has been established, as there is reasonable evidence of criminal materiality and authorship, as required by article 395 of the Code of Criminal Procedure. Although the defense presented strong arguments, it was unsuccessful in deconstructing the elements presented by the Public Prosecutor's Office, and further evidence was required in the criminal investigation. According to the consolidated understanding of the Supreme Courts, receiving a complaint only requires evidence of authorship and materiality, and does not require full proof, which will be produced during the investigation.

The defense's arguments, centered on the alleged lack of evidence, are not enough to justify rejecting the complaint, since the receiving phase does not involve exhaustive evidentiary dilation. The thesis of lack of just cause, in turn, is not supported by the elements in the case file, which indicate, at least in a preliminary judgment, the plausibility of the accusation.

Therefore, since the assumptions and conditions for criminal prosecution are present, under the terms of article 41 of the CPP, and on the other hand, the defects listed in article 395 of the Code of Criminal Procedure are absent, and therefore there is no case for summary acquittal, I uphold the decision of the judge.



COURT OF JUSTICE OF THE STATE OF SÃO PAULO
DISTRICT OF SÃO PAULO
CENTRAL CRIMINAL COURT BARRA FUNDA
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receipt of complaint issued on page 1747.

For the hearing of instruction, debates and judgment, I designate **08/09/2025, at 13:30 hours**, with the Registry providing the necessary summonses and requisitions.

The Notary's Office will check that the case has been completed in full, with all the necessary summonses and requests having been sent and issued, and any outstanding issues will be dealt with.

Int.

São Paulo, May 7, 2025.

EVA LOBO CHAIB DIAS JORGE
 Judge

DOCUMENT DIGITALLY SIGNED UNDER THE TERMS OF LAW 11.419/2006, AS PRINTED IN THE RIGHT MARGIN
