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DETAINED

Attorney for Petitioner Kevin Rodrigues Macedo

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

KEVIN RODRIGUES MACEDO

Case No.: 3:26-cv-02544-JO-MSB

A 241-421-593

Petitioner,

vs.

CHRISTOPHER J. LAROSE, et al.,

Respondents.

**PETITIONER'S SUPPLEMENTAL
BRIEFING IN SUPPORT OF HIS
PETITION FOR WRIT OF
HABEAS CORPUS**

PETITIONER'S TRAVERSE TO RESPONDENT'S RETURN

Petitioner, Kevin Rodrigues Macedo, through undersigned counsel,
respectfully submit this Traverse to Respondent's Return and in support of his
Petition for the Writ of Habeas Corpus.

PETITIONER'S Supplemental Briefing
In the Matter of Kevin Rodrigues Macedo

I. INTRODUCTION

Petitioner, by and through undersigned counsel, respectfully submits this Traverse to Respondents' Return and in further support of his Petition for Writ of Habeas Corpus.

Respondents' Return rests on two central premises: first, that this Court lacks jurisdiction under 8 U.S.C. § 1252 to review Petitioner's claims, and second, that Petitioner's detention is lawful because it is mandated under 8 U.S.C. § 1225(b)(2). Both premises are incorrect. Respondents' jurisdictional arguments improperly recast this case as a challenge to the commencement of removal proceedings, while their statutory arguments rely on a categorical reading of § 1225 that ignores the constitutional limitations governing immigration detention.

Petitioner does not challenge the government's authority to initiate removal proceedings. Nor does he seek review of any discretionary decision to prosecute those proceedings. Rather, Petitioner challenges the legality of his continued detention following his release on parole, including his subsequent redetention without any individualized justification, without adequate process, and without a meaningful opportunity to contest his confinement. Respondents' attempt to

1 collapse these claims into a jurisdictionally barred challenge fails because it
2 mischaracterizes the Petition's nature. On April 8, 2026, the Immigration Judge
3 (IJ) found that the court lacked jurisdiction at the custody redetermination hearing,
4 and the petition for release was withdrawn.
5

6 Similarly, Respondents' reliance on § 1225(b)(2) is incomplete. While
7 Respondents assert that Petitioner is subject to mandatory detention as an
8 "applicant for admission," they do not address whether the Constitution permits
9 the government to revoke a previously granted liberty interest and re-detain an
10 individual without any individualized determination of danger or flight risk. They
11 further fail to meaningfully respond to Petitioner's core allegations that his
12 detention is arbitrary, lacks factual justification, and is the product of procedurally
13 deficient agency action. Respondents' parole revocation and detention was illegal.
14 Mr. Rodriguez Macedo believed he complied with all the conditions of his parole
15 and was not engaging in criminal activity at the time of his arrest. This was the
16 epitome of an "arbitrary" and "capricious" act under the APA. 5 U.S.C.
17 § 706(2)(A)
18
19
20
21

22 At bottom, this case is not about whether Respondents can invoke a
23 statutory detention provision. It is about whether the government may deprive a
24 person of liberty without due process of law. Respondents' Return does not
25
26

1 answer that question.

2 **II. FACTUAL BACKGROUND**

3
4 Petitioner is a native and citizen of Brazil who fled his home country after
5 suffering persecution on account of his political opinion and religious beliefs. As
6 detailed in the Petition, Petitioner was targeted by Brazilian authorities after
7 refusing to participate in corrupt governmental activities and for speaking out
8 against such conduct. He was subjected to threats, harassment, and violence, and
9 reasonably feared further persecution if returned.
10

11
12 Petitioner entered the United States on or about August 7, 2023, where he
13 sought protection. Following his entry, immigration authorities initiated removal
14 proceedings against him, and he was subsequently granted humanitarian parole.
15 While on release, Petitioner complied with all requirements imposed upon him,
16 appeared in his immigration proceedings, and actively pursued relief, including
17 filing applications for asylum, withholding of removal, and protection under the
18 Convention Against Torture.
19
20

21 On or about October 30, 2025, Petitioner appeared for a scheduled
22 appointment with immigration authorities. At that time, Respondents took
23 Petitioner into custody, revoked his parole, and detained him. Respondents now
24 assert that this redetention was based on a previously undisclosed arrest warrant in
25
26

1 Brazil. However, Respondents do not identify any individualized findings that
2 Petitioner poses a danger to the community or a risk of flight, nor do they explain
3 why this information justifies continued detention without a hearing. Here, the
4 preliminary arrest warrant and proceedings were initiated after the Petitioner
5 entered the U.S. Thus, the alleged legality of the alleged previously undisclosed
6 arrest warrant in Brazil is questionable and in violation of the Respondents' parole
7 decision.
8

9
10 Since his redetention, Petitioner has remained in immigration custody at the
11 Otay Mesa Detention Center. He sought a custody redetermination hearing on
12 April 8, 2026, before the Immigration Court, but the Immigration Judge
13 determined that the Court lacked jurisdiction to review his custody status. As a
14 result, Petitioner remains detained without any meaningful opportunity to
15 challenge the basis for his detention.
16
17

18 Respondents now contend that Petitioner's detention is mandated under 8
19 U.S.C. § 1225(b)(2), and that this Court lacks jurisdiction to review his claims.
20 However, Petitioner's detention arises not merely from his statutory classification,
21 but from his redetention without individualized justification and the denial of
22 procedural protections required by the Constitution.
23
24

25 New evidence now shows that the alleged Interpol order and the charges in
26

1 Brazil were dropped. See the Exhibits attached. Thus, there is no material change
2 of circumstances to warrant the Petitioner's redemption.
3

4 **III. ARGUMENT**

5 **A. The Alleged Criminal Warrant Does Not Provide a Lawful Basis for** 6 **Continued Detention**

7 Respondents' reliance on an alleged arrest warrant in Brazil does not establish
8 a lawful basis for Petitioner's continued detention. At most, Respondents have
9 identified an untested allegation, not a lawful basis for detention, and have failed
10 to provide the individualized basis required to deprive Petitioner of his liberty.
11

12 Even accepting the Respondents' assertion that Petitioner was aware of the
13 alleged warrant, that fact does not establish that he presently poses a danger to the
14 community or a risk of flight. Awareness of an allegation is not a substitute for an
15 individualized determination that detention is necessary to serve the purposes of
16 civil immigration detention.
17

18 Respondents do not identify any determination that Petitioner presently
19 poses a danger to the community or a risk of flight. They do not explain when the
20 warrant was issued, whether it was independently verified, or how it reflects
21 Petitioner's current circumstances. Nor do they articulate any reasoning
22 connecting the existence of the warrant to the permissible purposes of civil
23
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25
26

1 immigration detention.

2 The existence of an unexamined allegation, standing alone, does not satisfy
3
4 the requirement that detention be supported by a fact-specific determination that
5 Petitioner poses a danger to the community or a risk of flight. Respondents cannot
6 substitute a conclusory reference to a warrant for the reasoned analysis that due
7 process requires.
8

9 Equally significant, Respondents offer no process through which Petitioner
10 may challenge the allegation they now rely upon to justify his detention. Petitioner
11 has not been afforded any forum in which to dispute or rebut the existence,
12 validity, or relevance of the alleged warrant. The government cannot rely on
13 untested assertions to justify ongoing detention while simultaneously denying the
14 individual any opportunity to contest them.
15
16

17 In short, Respondents have not shown that Petitioner's detention serves a
18 legitimate, individualized purpose. Instead, they have offered a *post hoc*
19 justification untethered from any actual determination of risk. That is insufficient
20 under the Constitution and does not provide a lawful basis for continued
21 detention.
22
23

24 Recently, new evidence shows that the alleged Interpol order and charges in
25 Brazil were dropped. See the Exhibits attached. Thus, there is no material change
26

1 of circumstances to warrant the Petitioner's redemption.

2 **B. Respondents' Alternative Request for a Bond Hearing Undermines**
3 **Their Position**
4

5 Respondents' alternative request for a bond hearing underscores the central
6 defect in their position: they have not established a lawful basis for Petitioner's
7 detention. That is, Respondents now seek the very determination, whether
8 Petitioner presents a danger or a flight risk, that they have failed to make.
9

10 Respondents maintain that Petitioner is subject to mandatory detention under 8
11 U.S.C. § 1225(b)(2), a framework that, by their own argument, does not
12 contemplate individualized custody determinations. Yet they simultaneously
13 request that this Court order a bond hearing to assess whether Petitioner poses a
14 danger to the community or a flight risk. Those positions cannot be reconciled. If
15 detention were truly mandatory, no such inquiry would be necessary.
16 Respondents' request, therefore, concedes that Petitioner's continued detention
17 turns on precisely the type of individualized determination they have failed to
18 make.
19

20 More importantly, Respondents do not contend that any such determination has
21 already occurred. They do not assert that Petitioner has been found to be a danger
22 to the community or a flight risk. Instead, they seek an opportunity to make that
23
24
25
26

1 determination only after months of detention. That approach reverses the
2 constitutional framework governing deprivation of liberty.

3
4 Respondents cannot justify detention by detaining first and attempting to
5 establish a basis later. This case is not about whether Respondents might be able
6 to justify Petitioner's detention in the future. It is about whether they have done
7 so. They have not. Their request for a bond hearing, therefore, confirms that
8 Petitioner's current detention lacks a lawful, individualized basis.
9

10 **IV. CONCLUSION AND PRAYER FOR RELIEF**

11
12 Respondents' Return fails to establish a lawful basis for Petitioner's
13 continued detention. Their jurisdictional arguments mischaracterize the Petition
14 and are inconsistent with governing law. Their reliance on 8 U.S.C. § 1225(b)(2)
15 ignores the constitutional limitations on detention and fails to address Petitioner's
16 central claim: that he was redetained without individualized justification and
17 without due process.
18

19
20 Petitioner challenges the legality of his detention, not the commencement of
21 removal proceedings. He need not remain in custody where Respondents have
22 failed to provide any lawful, individualized basis for that detention.
23

24 Accordingly, the Court should grant the relief requested, and order
25 Petitioner's release or, at a minimum, provide him with a prompt and meaningful
26

1 opportunity to challenge his detention before a neutral adjudicator.

2
3
4 Respectfully submitted,

5 Dated: May 14, 2026

6 //s// Mario Portugal

7 Mario Portugal

8 Pro Bono Counsel for Petitioner,

9 Kevin Rodrigues Macedo

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PETITIONER'S Supplemental Briefing
In the Matter of Kevin Rodrigues Macedo

EXHIBIT "A"



TO THE COURT OF THE 1st CIVIL, CRIMINAL, AND CRIMINAL
SENTENCING DIVISION OF THE DISTRICT OF INHAPIM/RO

CASE 5002084-55.2024.8.13.0309

KEVIN CLEDENILSON RODRIGUES MACEDO, brazilian, single, construction services assistant, holder of CPF No. 113.200.556-64, born on 03/21/2000, currently incarcerated in a penitentiary in the United States of America, and maintaining residence in Brazil at Rua Dionísio Homem Faria, No. 80, CENTER District, Iapu, State of Minas Gerais, ZIP Code 35.190-000, hereby, through his undersigned counsel, in light of subsequent developments, respectfully submits a **MOTION FOR EXTINCTION OF CRIMINAL LIABILITY, WITH AN ALTERNATIVE REQUEST, REVOCATION OF PRE-TRIAL DETENTION** based on the factual circumstances and legal grounds set forth herein below.

1- STATEMENT OF FACTS

On January 24, 2024, the State Public Prosecutor's Office filed criminal charges against Kevin Cledenilson Rodrigues Macedo, alleging that on October 25, 2022 (Tuesday), at an unspecified time, at Rua Antônio Pereira de Souza, No. 410, Bela Vista District, Iapu/MG, within this jurisdiction, the defendants, acting jointly with Mr. Ronaldo Lopes Rodrigues and in a unity of intent and common purpose,

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PEREIRA E VALÉRIO
— ADVOGADOS ASSOCIADOS —

allegedly coerced the victim, **Alex Oliveira da Silva**, through serious threat and violence, with the intent to obtain an unlawful financial advantage, consisting of a demand for money.

The indictment was accepted on January 29, 2024, and the summons of the defendants was ordered. However, on March 13, 2024, a court officer's certificate was filed indicating that **Mr. Kevin Cledenilson** was residing in the United States of America.

Subsequently, through motion No. 10226523922, dated March 20, 2024, the Public Prosecutor's Office reiterated the request for preventive detention of **Mr. Kevin Cledenilson**. This request was postponed, and the summons of the defendants was therefore published by public notice (edict) on July 17, 2024, as RECORDED in document ID 10267191380.

It is further noted that on May 13, 2024, the case was severed, and with respect to co-defendant **Ronaldo Lopes Rodrigues**, CPF No. 121.243.916-31, the charges proceeded under case No. 0001849-13.2023.8.13.0309, in which he was **acquitted** pursuant to Article 386, item VII, of the Brazilian Code of Criminal Procedure.

III – DISPOSITIVE:

*In light of all the foregoing, I hereby find the claims set forth in the indictment to be unfounded and, consequently, **ACQUIT** the defendant, **RONALDO LOPES RODRIGUES**, duly identified above, of the charges contained in the accusatory complaint, pursuant to Article 386, item VII, of the Brazilian Code of Criminal Procedure.*

In this context, it is observed that the conduct of each defendant is individualized; however, Mr. Ronaldo Lopes Rodrigues was **acquitted due to multiple contradictions in the victim's testimony**, which leads to the conclusion that, from the initial police report (first procedural act), the narrative was allegedly false, with the purpose of criminally implicating the defendants.

2. CONTRADICTIONS ARISING IN CASE No. 0001849-13.2023.8.13.0309

As set forth in the procedural history above, on May 13, 2024, the Court ordered the severance (bifurcation) of the case (ID 10226523914), resulting in the creation of Case No. 0001849-13.2023.8.13.0309 against Mr. Ronaldo Lopes Rodrigues.

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Upon review of the case RECORDs, it is verified that the defendant Ronaldo Lopes Rodrigues was acquitted, as the alleged victim, Alex Oliveira da Silva, is found to have provided false statements to the responding police officers at the time of the incident.

“The witness **Anderson Vieira de Rezende**, a MILITARY Police officer, testified in court that he collected statements from both sides of the dispute. The alleged victim stated that he was approached by the defendants Ronaldo and Kevin, and that Kevin allegedly assaulted him with a punch. On the other hand, Ronaldo stated that Alex had taken money from his wallet and that he merely requested the return of the said money.

The defendant, Ronaldo Lopes Rodrigues, during his court interrogation, denied the facts described in the indictment, alleging **that he sought out the alleged victim to demand the return of money that had been taken from him**, at which time he threatened to call the police, and Alex subsequently returned the allegedly taken money. He further stated that there was a disagreement between Kevin and Alex, but that he was not present at the time of those events.”.

In light of these testimonies and the actual circumstances of the case, there is no basis to support the existence of the crime of extortion as alleged by the Public Prosecutor's Office.

When heard in court, the victim Alex Oliveira da Silva stated that he was approached by the defendants Ronaldo Lopes Rodrigues and Kevin Cledenilson Rodrigues Macedo, at which time Kevin seized a metal bar and began assaulting him, without being able to explain the reason for such aggression. He further stated that Ronaldo did not commit any act of violence or threat against his person, and that there was no dispute or conflict between him and the said defendant. Finally, when questioned about the inconsistency between his court testimony and his statements during the police phase (in which he had stated that Ronaldo pushed him), he alleged at that time he provided

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— ADVOGADOS ASSOCIADOS —

inCOLORrect information, maintaining that only Kevin carried out the acts against him.

It is respectfully observed, Your Honor, that at no point does the victim state that Kevin extorted him; rather, he merely reiterates the allegation that Kevin assaulted him, a claim that does not COLORrespond to the truth, as the accused had no reason to assault the victim, nor to extort any amount of money. Therefore, conduct beyond the actual acts performed was merely attributed to the accused.

Furthermore, the manifest contradiction in the alleged victim's testimony undermines the credibility necessary to support any conviction against the accused. When the declarant himself admits to having lied or been "mistaken" during the police phase, his statements must be viewed with caution and cannot serve as the sole basis for a conviction, under penalty of violating the principle of legal certainty.

In the same context, it is worth noting that the crime of extortion (Article 158 of the Brazilian Penal Code) requires the presence of a dual element: "**violence or serious threat + intent to obtain an unlawful economic advantage.**" However, as already established in the case RECORDs of Case No. 0001849-13.2023.8.13.0309, the victim himself stated in court that he was unable to explain the reason for the alleged assaults and did not mention any financial demand made by Kevin. Therefore, the statutory elements of the offense are not present.

Therefore, the indictment filed by the Public Prosecutor's Office lacks factual and evidentiary support with respect to the essential element of the offense, namely the "obtaining of an unlawful economic advantage." At no point during the evidentiary phase of the proceedings was it demonstrated that the defendant Kevin coerced the victim with the specific intent of obtaining profit or any financial gain. In the absence of specific intent (*dolus specialis*) and proof of an unlawful advantage, the conduct is atypical for the crime of extortion.

3. EXTINCTION OF CRIMINAL LIABILITY DUE TO PLEA BARGAIN (RES JUDICATA)

In the present case file, on January 24, 2024, the State Public Prosecutor's Office filed criminal charges against **Kevin Cledenilson Rodrigues Macedo**, alleging that on **October 25, 2022 (Tuesday)**, at an unspecified time, at Rua Antônio Pereira de Souza,

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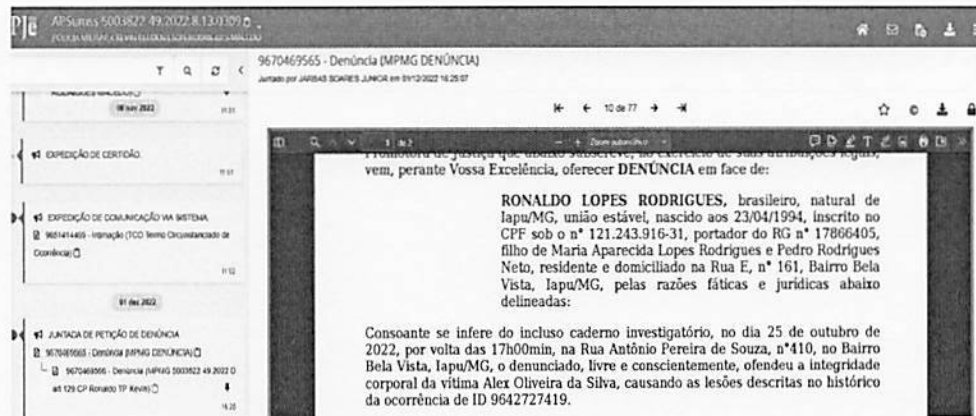
Bela Vista District, Iapu/MG, the defendants allegedly coerced the victim, Alex Oliveira da Silva, through serious threat and violence, with the intent to obtain an unlawful financial advantage, consisting of a demand for money.

Upon review of the case RECORDs, it is verified that the criminal complaint originates specifically from Police Report No. 2022-0469466620-001, which was personally filed at the police station on October 25, 2022, with the report being registered at 17:11, indicating the time of the incident as 17:09 and the end of the occurrence at 21:31 (Document ID 10226523942 – Page 11).

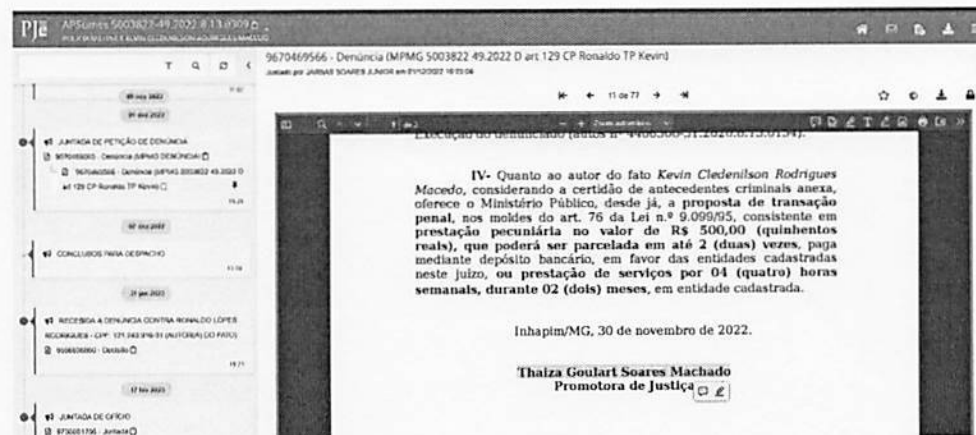
SISTEMA INTEGRADO DE DEFESA SOCIAL - POLICIA MILITAR		Nº 2022-046946620-001	
BOLETIM DE OCORRÊNCIA		BO NÚMERO	FI. 1/5
UNIDADE RESPONSÁVEL PELO REGISTRO 7 GP/1 PEL/288 CIA PM/62 BPM/12 RPM		MUNICÍPIO IAPU	
UNIDADE DE ÁREA RESPONSÁVEL UNIDADE MILITAR 1 PEL/288 CIA PM/62 BPM/12 RPM			
UNIDADE POLICIAL: DELEGACIA DE POLICIA CIVIL/INAPIM			
DATA DO REGISTRO 25/10/2022 17:10	DESTINATÁRIO DECRIM INAPIM		
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COMO FOI SOLICITADO O ATENDIMENTO DA OCORRÊNCIA PESSOALMENTE EM UMA UNIDADE/POSTO		DATA DA COMUNICAÇÃO 25/10/2022	HORA DA COMUNICAÇÃO 17:09
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DADOS DA OCORRÊNCIA / ATIVIDADE			
PROVÁVEL DESCRIÇÃO DA OCORRÊNCIA PRINCIPAL BO1129 - LRSAO CORPORAL			
ALVO DO FATO TRANSEUNTE			
FENTADO / CONSUMADO CONSUMADO			
EVENTO OCORRIDO DURANTE O EXERCÍCIO DA ATIVIDADE DE TRANSPORTE POR AP, CAT 101 NÃO			
DATA/HORA DO FATO 25/10/2022 17:09	DATA/HORA DO INÍCIO DO ATENDIMENTO NO LOCAL 25/10/2022 17:11	DATA/HORA FINAL DO ATENDIMENTO 25/10/2022 20:30	DATA/HORA FINAL DO PREENCHIMENTO 25/10/2022 21:31
DESCRIÇÃO DO LUGAR VIA DE ACESSO PÚBLICA		COMPL DE LOCAL RESÍDUO VIA DE ACESSO PÚBLICA	
LOCAL (AV, RUA, ETC) RUA ANTONIO PEREIRA DE SOUZA			

Upon a simple search in the PJe system, it is verified that on October 28, 2022, Case No. 5003822-49.2022.8.13.0309 was filed, at which time the Public Prosecutor's Office submitted an indictment exclusively against Mr. Ronaldo Lopes Rodrigues.





With respect to Mr. Kevin, the Public Prosecutor's Office, through Prosecutor Dra. Thaiza Goulart Soares Machado, on November 30, 2022, offered a **plea agreement proposal (penal transaction)**.



Upon review of the origin of the judicial case, it is verified that the facts also stem from Police Report No. 2022-0469466620-001, filed on October 25, 2022, as follows.

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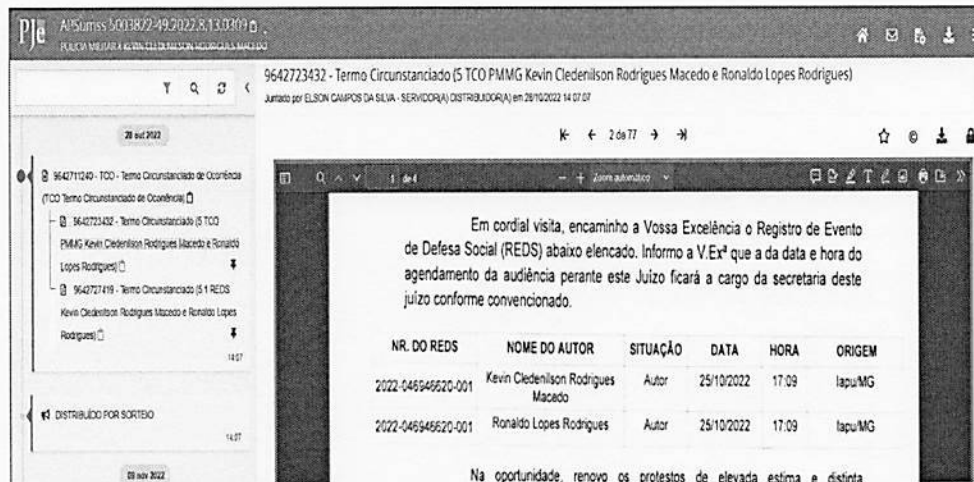
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NUMBER do documento: 2604222510311600010662738098
<https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=2604222510311600010662738098>
Assinado eletronicamente por: JOVANDER PEREIRA ROSA - 22/04/2026 22:51:03

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Duly served, Mr. Kevin appeared at the evidentiary hearing and, before the Judiciary, entered into the following **penal transaction (plea agreement)**, under the terms set forth below (hearing transcript attached), as shown in the following screenshot of the case file.

Inhapim/MG, 01 de junho de 2023.

No local e data acima, às 14h04m, sob a supervisão da MM(a). Juíza de Direito nesta Vara, Dra. Larissa Teixeira da Costa, foi declarada aberta a AUDIÊNCIA designada nos autos da ação supra caracterizada, também sob a supervisão do(a) Promotor(a) de Justiça Jonas Junio Linhares Costa Monteiro. A audiência foi gravada nos termos do § 1º do artigo 405 do Código de Processo Penal, alterado pela Lei n.11.719/2008 e com respaldo na Resolução n.105/2010 do CNJ e Portaria Conjunta nº 480/PR/2016 do TJMG, pelo sistema audiovisual. Dispensadas as assinaturas das partes cuja participação se deu por meio de videoconferência. Apregoadas as partes e os respectivos advogados, verificou-se a presença do autor KEVIN CLEDENILSON RODRIGUES MACEDO, acompanhado por seu procurador, nomeado para o ato. Presente o procurador do requerido NELSON ALAÍDES PARREIRA NETO, que requereu prazo para juntar aos autos procuração. Abertos os trabalhos, foi ofertada ao autor KEVIN CLEDENILSON RODRIGUES MACEDO, de acordo com a manifestação ministerial, proposta da transação penal consistente na aplicação imediata de prestação pecuniária no valor de R\$500,00, divididos em duas parcelas iguais de R\$250,00, devendo ser depositado na Conta Judicial nº 300.309-4, Agência 1615-2, Banco do Brasil ou através da CHAVE PIX Inp1secretaria@tjmg.jus.br, vencendo-se a primeira parcela no dia 01/07/2023, e as demais no mesmo dia dos meses subsequentes. Não será aceito depósito via envelope, ou qualquer meio sujeito a comprovação posterior. Após o pagamento de cada parcela deverá o autor trazer à Secretaria do Juízo comprovante original de depósito, bem como a cópia. Consultados o(a) autor(a), bem como seu(a) advogado(a) aceitaram a proposta. **A seguir pelo MM. Juiz foi proferida a seguinte DECISÃO:** "Cumpra-se o acordo acima. Após, vista ao Ministério Público e, em seguida, voltem os autos conclusos. Em relação ao autor do fato RONALDO LOPES RODRIGUES, fica desde já intimado através de seu procurador para, querendo, responder(em) a acusação, no prazo de 10 (dez) dias, nos termos do art. 396-A do CPP, bem como para juntar aos autos procuração. Intimados os presentes". E, para constar, lavrei e assinei o presente termo. Eu, Jardeir Frias de Assis o digitei e assino.

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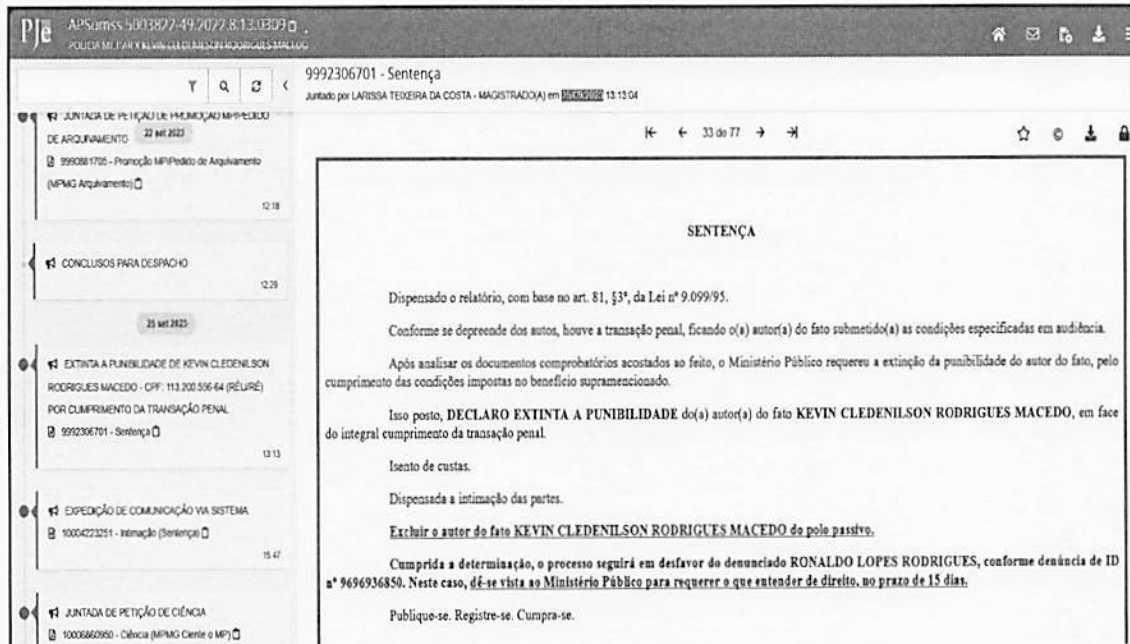


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After the agreement was entered into, proof of payment of the installments was submitted in the case RECORDs, and consequently the Court declared the extinction of criminal liability due to full compliance with the terms of the agreement.



In this context, it is observed that the Public Prosecutor's Office filed an indictment on January 24, 2024, based on facts allegedly occurring on October 25, 2022. However, the same facts, arising from Police Report No. 2022-0469466620-001, had already been subject to judicial review in Case No. 5003822-49.2022.8.13.0309, in which the proceedings were terminated on September 25, 2023.

In the prior case, Mr. Kevin Cledenilson Rodrigues Macedo entered into a **penal transaction (plea agreement)** during a hearing held on June 1, 2023, agreeing to the payment of a monetary penalty.

The agreement was fully complied with, and on September 25, 2023, the Court issued a decision declaring the extinction of the defendant's criminal liability.

In light of this scenario, it is evident that a judicial error has occurred, as the new indictment (Case No. 5002084-55.2024.8.13.0309) resulted in the defendant's name being entered into the National Arrest Warrant Database without proper disclosure of the underlying decision (no decision is available in the case RECORDs). In other words,

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Av. Joaquim Araújo Lima (Abunã),
Pq. João Bosco, 116
CEP: 76803-750, Porto Velho/RO



NUMBER do documento: 2604222510311600010662738098
<https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=2604222510311600010662738098>
Assinado eletronicamente por: JOVANDER PEREIRA ROSA - 22/04/2026 22:51:03

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— ADVOGADOS ASSOCIADOS —

the State disregards the fact that it has already exercised its right to prosecute or reach a consensual resolution regarding the same factual event, and is now seeking to prosecute the defendant again for conduct that has already been legally resolved.

Furthermore, the repetition of criminal charges based on the same facts constitutes a clear violation of the principle of *non bis in idem*, which prohibits an individual from being prosecuted, tried, or punished twice for the same offense..

Therefore, it is established in the severed case (No. 0001849-13.2023.8.13.0309) that the victim himself admitted in court to having previously provided inCOLORrect information and **did not confirm any intent of unlawful economic advantage** or extortion on the part of Mr. Kevin.

In Case No. 5003822-49.2022.8.13.0309, the imposed sanction was duly fulfilled, and its extinction was declared on September 25, 2023.

AcCOLORdingly, the attempt to prosecute the defendant again under a more serious classification (Article 158 of the Brazilian Penal Code) lacks evidentiary support and disregards the legal effectiveness of the penal transaction and res judicata, violates the principle of *non bis in idem*, and unlawfully restricts the defendant's right to liberty through the imposition of preventive detention.

In light of this scenario, there is no alternative but to request the recognition of res judicata, with the immediate dismissal of the case, the withdrawal of the arrest warrant, and the closing and archiving of the case RECORDs.

If the Court does not grant the extinction of criminal liability, the defense respectfully requests the revocation of preventive detention, for the factual and legal reasons set forth below.

4. REVOCATION OF PRE-TRIAL DETENTION

Upon review of the case RECORDs, it is verified that the State Public Prosecutor's Office filed an indictment on 01/24/2024 (Id 10226523941) – without a request for arrest, with the following procedural acts;

01/29/2024 – decision accepting the indictment (id 10226523937).

03/13/2024- Filing of a negative service return for Kevin (10226523932)



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03/18/2024 – Prosecutor’s opinion requesting preventive detention (10226523928)

03/19/2024 – Decision postponing the request for preventive detention (10226523926)

03/20/2024 – Public Prosecutor reiterates the request for preventive detention (10226523922)

03/26/2024 – Service of summons by publication (edict), with no ruling yet on preventive detention (10226523918)

05/09/2024 – Public Prosecutor reiterates the request for preventive detention (10226523915)

05/13/2024 – Court orders severance of the case (10226523914)

07/17/2024 – Published summons by edict for Kevin (10267191380)

09/23/2024 – Certificate of expiration of procedural deadline (10312791706)

10/29/2024 – Withdrawal of arrest warrant (10335182280)

04/25/2025 – Public Prosecutor reiterates the request for preventive detention 10437521509

05/05/2025 – The Court orders full compliance with the decision under ID No. 10313435221. (10442669707) Upon review of the case RECORDs, the decision referenced by the Court in the order under ID No. ____ could not be located in the file. 10442669707.

06/04/2025 – Orders the suspension of the proceedings. (10465004403)

11/03/2025 – Document reporting the arrest on October 30, 2025. (10573523835)

11/04/2025 – After notification of the arrest, the Public Prosecutor’s Office requests a 90-day suspension of the proceedings. (10574407453).

Upon review of the case RECORDs, it appears that this is an unlawful arrest, as there is no duly reasoned judicial decision in the case file ordering the detention of Mr. Kevin Cledenilson (unless such decision is under seal and not accessible to undersigned counsel).



Furthermore, upon consultation of the National Arrest Warrant Database, it is verified that an arrest warrant was issued on October 29, 2024, with electronic signature by the Judge on October 30, 2024; however, based on a simple screenshot of the case file, the COLORresponding judicial decision cannot be located in the RECORDs.

See;



Your Honor, upon careful review, it is observed that on October 29, 2024, a withdrawal of the arrest warrant was entered (10335182280), referencing the date of October 24, 2024. However, the Public Prosecutor's Office itself does not appear to have knowledge of any judicial decision, given that on April 25, 2025, the Prosecutor

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again reiterated the request for preventive detention (10437521509), and on May 5, 2025, the Court ordered full compliance with the decision of ID nº 10313435221. (10442669707).

As set forth in the procedural history, the interlocutory decision that effectively ordered the pre-trial detention of Mr. Kevin cannot be located in the case RECORDs. The order under ID 10442669707 refers to ID 10313435221, which is not available for review by the defense and was not properly published in the procedural docket of case acts.

In this context, it is important to emphasize that preventive detention requires a written and duly reasoned judicial decision (Article 315 of the Brazilian Code of Criminal Procedure).

Art. The decision that orders, replaces, or denies preventive detention shall always be reasoned and duly justified.

§ 1. In the reasoning for ordering preventive detention or any other precautionary measure, the judge must specifically indicate the existence of new or contemporaneous facts that justify the application of the measure imposed.

The existence of an arrest warrant in the National Arrest Warrant Database (BNMP) without the COLORresponding reasoned judicial decision available in the case RECORDs constitutes a restriction of the right to defense and a clear illegality. If the judge did not set forth the specific (contemporaneous) grounds for the detention, such detention cannot stand.

5. LACK OF CREDIBILITY OF THE VICTIM

Your Honor, it is reflected in Police Report No. 2022-0469466620-001 that the report was personally filed at the police station on October 25, 2022, with the communication beginning at 17:11, indicating the time of the incident as 17:09 and the end of the occurrence at 21:31. (Doc. de id 10226523942 – Page 11).

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DADOS DA OCORRÊNCIA / ATIVIDADE				
PROVÁVEL DESCRIÇÃO DA OCORRÊNCIA PRINCIPAL				
B01129 - LESAO CORPORAL				
ALVO DO EVENTO				
TRANSEUNTE				
TENTADO / CONSUMADO				
CONSUMADO				
EVENTO OCORRIDO DURANTE O EXERCÍCIO DA ATIVIDADE DE TRANSPORTE POR APLICATIVO?				
NÃO				
DATA/HORA DO FATO	DATA/HORA DO INÍCIO DO ATENDIMENTO NO LOCAL	DATA/HORA FINAL DO ATENDIMENTO	DATA/HORA FINAL DO PREENCHIMENTO	
25/10/2022 17:09	25/10/2022 17:11	25/10/2022 20:30	25/10/2022 21:31	
DESCRIÇÃO DO LUGAR		COMPL DE LOCAL MEDIATO		
VIA DE ACESSO PÚBLICA		VIA DE ACESSO PÚBLICA		
LOCAL (AV., RUA, ETC)				
RUA ANTONIO PEREIRA DE SOUZA				
NÚMERO	KM	COMPLEMENTO	BARRIO/VILA	CEP
410	XXXX	XXXX	BELA VISTA	XXXX

It is observed that the above-mentioned police report specifies and describes the time and location of the alleged incident.

Upon continuing the search under the name of the alleged victim, Alex Oliveira da Silva (CPF No. 142.602.366-95), Case No. 0001401-40.2023.8.13.0309 was located, in which the indictment, signed by Prosecutor Dr. Frederico Tavares de Lanna Machado, set forth the following narrative:

“It appears from the RECORDs of the attached police investigation that, on October 25, 2022, at approximately 7:30 p.m., at Rua Frei Marcelino de Milão, No. 5, Caixa d’Água, Iapu/MG, the defendant Alex Oliveira da Silva, acting knowingly and willingly for the purpose of unlawful conduct, unlawfully took for himself movable property belonging to the victim Bruna Viana da Silva, consisting of a handbag.”

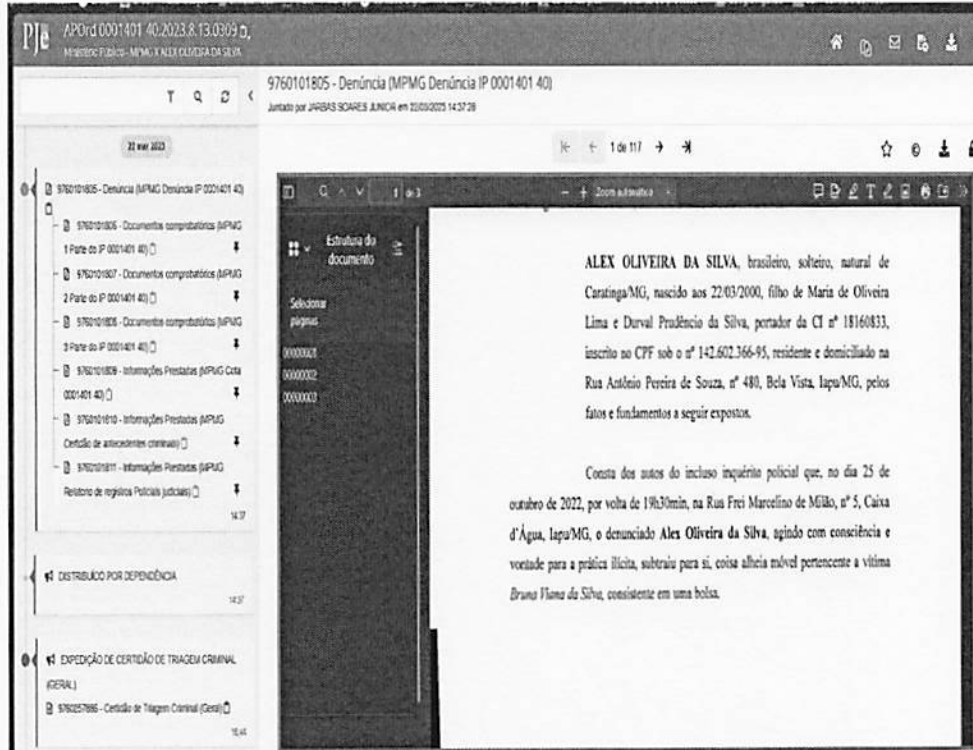
See the screenshot of the indictment.

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The information set forth in the indictment by the Public Prosecutor's Office was extracted from Police Report No. 2022-046972083-001, containing the following description: "date of incident: October 25, 2022; incident start time: 19:34; initial response time at the scene: 19:36; final response time: 22:16."

See the screenshot of the police report attached to the case RECORDs.

ORIGEM DA COMUNICAÇÃO			
COMO FOI SOLICITADO O ATENDIMENTO DA OCORRÊNCIA	DATA DA COMUNICAÇÃO	HORA DA COMUNICAÇÃO	
PESSOALMENTE EM UMA UNIDADE/POSTO	25/10/2022	19:34	
ORIGEM SOLICITANTE	XXXX		
DADOS DA OCORRÊNCIA / ATIVIDADE			
PROVÁVEL DESCRIÇÃO DA OCORRÊNCIA PRINCIPAL			
201155 - FURTO			
ALVO DO EVENTO			
BENS / VALORES DE TRANSEUNTE			
TENTADO / CONSUMADO			
TENTADO			
EVENTO OCORRIDO DURANTE O EXERCÍCIO DA ATIVIDADE DE TRANSPORTE POR APPLICATIV			
NÃO			
DATA/HORA DO FATO	DATA/HORA DO INÍCIO DO ATENDIMENTO NO LOCAL	DATA/HORA FINAL DO ATENDIMENTO	DATA/HORA FINAL DO PREENCHIMENTO
25/10/2022 19:34	25/10/2022 19:36	25/10/2022 22:16	25/10/2022 22:17
DESCRIÇÃO DO LUGAR		COMPL. DE LOCAL MEDIATO	
VIA DE ACESSO PÚBLICA		VIA DE ACESSO PÚBLICA	
N.º (AV. RUA, ETC)			
...JA FREI MARCELINO DE MILAO			

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NUMBER do documento:
<https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=26042222510311600010662738098>
Assinado eletronicamente por: JOVANDER PEREIRA ROSA - 22/04/2026 22:51:03

Num. 10666599229 - 159. 1



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Ao Upon review of the police reports, it is possible to verify that Police Report No. 2022-0469466620-001 describes October 25, 2022, at 17:09 as the time of the incident, with the occurrence registered at Rua Antônio Pereira de Souza, No. 410.

On the other hand, Police Report No. 2022-046972083-001 describes October 25, 2022, at 19:34 as the time of the incident, with the occurrence registered at Rua Frei Marcelino, No. 05.

Therefore, Your Honor, there are insurmountable doubts regarding the reliability of the victim's statements, given that the scenario presented borders on factual impossibility.

There is a clear contradiction between the RECORDs: while the first police report indicates that the victim was personally at the police station at 17:11 reporting an incident that allegedly occurred at 17:09, the second report, which forms the basis of the indictment, places the same victim at a different location at 19:34, within a completely different factual context.

From the perspective of the adversarial system and the search for material truth, a fundamental legal question arises: how would it be materially possible to register two occurrences in close temporal proximity, in different locations, where the chronology of the events described in one undermines the credibility of the other?

The divergence in times and locations does not constitute a mere clerical error, but rather a defect that undermines the credibility of the evidentiary RECORD. It cannot be accepted that the Court relies on a narrative that contradicts the chronological reality contained in the official documents included in the case file.

In light of such inconsistencies, the victim's testimony loses the evidentiary strength necessary to support a conviction, as the apparent presence in conflicting times and locations undermines the plausibility of the allegations, thereby requiring the application of the principle of in dubio pro reo.

6. FROM ORDERS

In light of all the foregoing, the defense respectfully requests that Your Honor:

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1. The **EXTINCTION OF CRIMINAL LIABILITY** of Mr. Kevin Cledenilson Rodrigues Macedo with respect to the facts alleged in this indictment, based on Res Judicata and the full compliance with the prior Penal Transaction Agreement (Case No. 5003822-49.2022.8.13.0309);
2. Should the Court determine that this matter does not warrant the extinction of criminal liability, the defense respectfully requests the **IMMEDIATE REVOCATION OF PRE-TRIAL DETENTION**, in light of the absence of a reasoned judicial decision accessible to the defense and the clear illegality of the detention;
3. Recognition of the **Judicial Error** and the violation of the principle of *non bis in idem*, with the consequent definitive dismissal and closure of the present proceedings;.
4. That the decision ordering the Applicant's preventive detention (**ID No. 10313435221**) be made available, as it could not be located in the case RECORDs, and that the lack of credibility of the alleged victim be recognized, in acCOLORDance with the arguments and evidence attached hereto.

Respectfully submitted.

Porto Velho/RO, April 22, 2026

Jovander Pereira Rosa
OAB/RO 7.860

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EXHIBIT "B"



04/22/2026

Number: **5003822-49.2022.8.13.0309**

Class: **[CRIMINAL] Criminal Action – Summary Procedure**

Adjudicating body: **1st Small Claims Criminal Court of the District of Inhapim**

Last filing date: **10/28/2022**

Case value: **R\$ 0,00**

Matters: **Misdemeanor offense**

Sealed case? **NO**

Legal aid granted? **NO**

Request for preliminary injunction or interim relief? **NO**

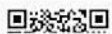
Parties			Attorneys			
MILITARYy Police (reporting authority / complainant)						
Ronaldo Lopes Rodrigues (Defendant)						
			Rider Candido Dias (Lawyer) → Rider Candido Dias (Attorney)			
Kevin-Clodonilson-Rodrigues-Macedo (Defendant)						
Others participants						
Public Prosecutor's Office – MPMG (Prosecution / Public Prosecutor)						
Alex Oliveira da Silva (Interested third party / victim)						
Documents						
Id.	Signature Date	Movement	Document	Type	QrCode	Verification
9642711240	10/28/2022 14:07	No movement	Police Incident Report (Summary RECORD of Occurrence)	Police Incident Report (Summary RECORD of Occurrence)		https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=22102814012030600009638804759



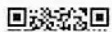
9642723432	10/28/2022 14:07	No movement	<u>5- TCO-PMMG- Kevin Cledenilson Rodrigues Macedo e Ronaldo Lopes Rodrigues</u>	Incident Report		https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=22102814012058000009638816951
9642727419	28/10/2022 14:07	No movement	<u>5.1- REDS Kevin Cledenilson Rodrigues Macedo e Ronaldo Lopes Rodrigues</u>	Incident Report		https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=221028140120992000009638820938
9651398186	09/11/2022 11:01	Issuance of Certificate - Issuance of General Criminal Screening Certificate	<u>General Criminal Screening Certificate</u>	Criminal Screening Certificate (General)		https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=22110911014811800009647491705
9651407688	09/11/2022 11:01	No movement	<u>cac RONALDO LOPES RODRIGUES</u>	Certificate		https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=22110911014892800009647501207
9651408928	09/11/2022 11:01	No movement	<u>FAC - RONALDO LOPES RODRIGUES</u>	Certificate		https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=22110911014932800009647502447
9651391298	09/11/2022 11:01	No movement	<u>FAC - KEVIN CLEDENILSON RODRIGUES MACEDO</u>	Certificate		https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=22110911014978600009647484817
9651392902	09/11/2022 11:01	No movement	<u>cac KEVIN CLEDENILSON RODRIGUES MACEDO</u>	Certificate		https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=22110911015015200009647486421



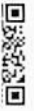
9651414469	09/11/2022 11:02	Issuance of notice through the system.	<u>TCO - Summary Police Incident Report</u>	Notice		https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=22110911023099600009647507988
9670469565	12/01/2022 16:25	Filing of the indictment petition	<u>MPMG-INDICTMENT</u>	Criminal Complaint		https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=22120116243300100009666562934
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9696936850	01/31/2023 15:21	The indictment against RONALDO LOPES RODRIGUES, CPF No. 121.243.916-31 (DEFENDANT), was accepted.	<u>Decision</u>	Decision		https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=23013115213112600009693030119
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9780221076	04/14/2023 17:28	Certificate Expedition.	<u>Certificate</u>	Certificate		https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=23041417284634900009776313795
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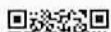
9780237064	04/14/2023 17:39	Issuance of Certificate	<u>Certificate</u>	Certificate		https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=23041417393245600009776329783
9780228337	04/14/2023 17:40	Issuance of notice through the system	<u>Certificate</u>	Notice		https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=23041417405563000009776321056
9781517491	04/17/2023 12:00	Filing of the Prosecutor's Office statement/petition	MPMG-AWARE THE MP	Prosecutor's Statement		https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=23041712000100100009777610210
9805874730	05/12/2023 15:17	Warrant returned undelivered to the recipient	<u>Filing of the Warrant</u>	Filing of Mandado		https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=23051215171622200009801965649
9805856880	05/12/2023 15:17	No movement	<u>Warrant 02</u>	Digitized Warrant		https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=23051215171636800009801947799
9816758160	05/24/2023 15:01	Warrant returned and delivered to the recipient	<u>Filing of the Warrant</u>	Filing of the Warrant		https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=23052415011930600009812848829
9816723443	05/24/2023 15:01	No movement	<u>Warrant 01</u>	Digitized Warrant		https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=23052415011943500009812814112



9834847585	06/13/2023 11:28	Filing of the Initial Petition	<u>Response to the Charges</u>	INITIAL PETITION		https://pe.ting.jus.br:443/pe/ProcessoCo nsuladocumento/list?view_sesam?x=23061311281287000009830936404
9833115551	06/13/2023 20:56	Preliminary Hearing (12753) scheduled for June 1, 2023, at 2:10 p.m., before the 1st Special Court of the District of Inhapi.	<u>Minutes of Criminal Hearing (No Judgment/Sentence Issued)</u>	Minutes of Criminal/Infraction Hearing (No Judgment/Sentence Issued)		https://pe.ting.jus.br:443/pe/ProcessoCo nsuladocumento/list?view_sesam?x=23061320564517400009829204420
9833136650	06/13/2023 20:56	No movement	<u>Preliminary</u>	Minutes of Criminal/Infraction Hearing (No Judgment/Sentence Issued)		https://pe.ting.jus.br:443/pe/ProcessoCo nsuladocumento/list?view_sesam?x=2306132056444800009829225519
9837115322	06/15/2023 12:33	Filing of the Prosecutor's Statement	<u>Statement</u>	Statement		https://pe.ting.jus.br:443/pe/ProcessoCo nsuladocumento/list?view_sesam?x=2306151232273060009833204141
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9974801801	09/20/2023 16:41	Issuance of notification via the electronic system	<u>Filing</u>	Notice		https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=23092016413202100009970885970
9990881705	09/22/2023 12:18	Filing of Prosecutor's Motion Requesting Dismissal of the Case	<u>MPMG-Archiving</u>	Public Prosecutor's motion requesting case dismissal and archiving		https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=23092212182100100009986965874
9992306701	09/25/2023 13:13	Termination of criminal liability of KEVIN CLEDENILSON RODRIGUES MACEDO (Defendant), Tax ID (CPF): 113.200.556-64, due to fulfillment of a plea agreement (alternative criminal settlement).	<u>Sentence</u>	Sentence		https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=23092513130437200009988390870
10004223251	09/25/2023 15:47	Issuance of notice through the electronic system	<u>Sentence</u>	Notice		https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=23092515473661200010000307170
10006860950	09/25/2023 18:17	Filing of a notice of acknowledgment	<u>MPMG-Aware THE MP</u>	Receipt of notice		https://pje.tjmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=23092518163800100010002944569



Attached are the TCO, REDS, and other documents.



JUDICIARY OF THE STATE OF MINAS GERAIS

Court of First Instance

Judicial District of Inhapim / 1st Special Court of the Judicial District of Inhapim/MG

PROCESS Nº: 5003822-49.2022.8.13.0309

CLASS: [CRIMINAL] TERMO CIRCUNSTANCIADO (278)

AUTHORITY: MILITARY POLICE

PERPETRADOR OF THE OFFENSE: KEVIN CLEDENILSON RODRIGUES MACEDO, RONALDO LOPES RODRIGUES

Criminal Screening Certificate

I certify that:

1) Upon initial review of the case documents, it was found that:

(x) The case file contains all essential documents, duly legible, and in accordance with the guidelines of the General Inspectorate of Justice (Provision No. 355, of April 18, 2018).

() The following essential documents are missing:_____.

2) Regarding the arrest in flagrante delicto and/or the police investigation:

(x) They have been fully digitized

() They have not been fully digitized..

3) Regarding the procedural case type and subject matter classification::



NUMBER do documento:
<https://pje.trfmg.jus.br/443/pje/Processo/ConsultaDocumento/listView.seam?x=2261014029212120514083131485000019064672479312750651>
Assinado eletronicamente por: DCA WILIAN LEE RODRIGUES ALMEIDA A FFCAS-A09212102102221612021541803

Nºam.19666598688 - Pág 1

☒ (x) They are COLORrect.

☐ () I have changed the case type form _____ for ____.

☐ () I have removed the subject(s) _____ and I have included the subject(s) ____.

4) Regarding the parties:

☒ (x) All parties are duly registered and properly identified, in accordance with Article 146 of General Inspectorate of Justice Provision No. 355, dated April 18, 2018.

☐ () I have amended the following party data: _____.

5) Regarding the power of attorney:

☐ () There is a power of attorney in the case file..

☒ (x) There is no power of attorney in the case file..

6) Regarding the plaintiff's attorney(s):

☐ () They are duly registered and properly identified.

☐ ()The following COLORrection was made: _____.

7) Regarding the RECORDing of the request for confidentiality

(sealed proceedings):

☐ () It was properly RECORDED.

☐ () It was changed from _____ to _____.

8) Regarding the RECORDing of the request for legal aid

(fee waiver):

☐ () It was properly RECORDED

☐ () foi alterado de _____ para _____.

9) Regarding proof of payment of court costs, court fees, and procedural expenses:

☐ () It was not submitted.

☐ () It was submitted, and the amount FATHERd is consistent with the amount stated in the initial petition and the value of the case..



NUMBER do documento:
<https://pje.trf4.jus.br/443/pje/Processo/ConsultaDocumento/listView.seam?x=226101402921212051408313148500019064672479312750651>
Arquivo eletrônico por: DGA WAB LEE R GUB AIRE I M A IFPOS-A087C21024020221610221541803

Nº 10666398688 - Pág 12

() It was submitted, but there was an inconsistency between the amount stated in the initial petition and the actual amount of the case.

10) Regarding injunctive relief (preliminary relief):

(x) There is no request for injunctive relief.

() It was properly RECORDED..

() It was inCOLORrectly RECORDED and has been amended to _____

11) Regarding procedural priority:

(x) There is no priority in the proceedings. () It was COLORrectly

indicated.

() It was changed from _____ to _____.

12) Regarding other proceedings:

(x) There are no other physical or electronic proceedings involving the same parties, subject matter, and cause of action in this judicial district.

() There is/are other proceeding(s) involving the same parties, subject matter, and cause of action in this judicial district, acCOLORding to SISCOM/PJe search - Case No. _____, Court _____.

13) Regarding seized items:

() There is a RECORD/protocol.

(x) There is no RECORD/protocol.

14) Regarding the defendant's custodial status:

() It was marked in the system.

(x) It was not marked in the system.

15) Regarding the initial review of other system data:

(x) It was found to be in compliance with the guidelines of the General Inspectorate of Justice (Provision No. 355, dated April 18, 2018).

() The following COLORrections were made ex officio: _____.



NUMBER do documento:
<https://pje.trf4.jus.br/43/pje/Processo/ConsultaDocumento/listView.seam?x=2261014029212120514083131485000019054672479312750651>
Assinado eletronicamente por: JDAWABNUDEARGLB ARRE IIR AFFOS-A09712102020221612021541803

NNam.19666398698 - Pág 13

This is true. I hereby certify

INHAPIM, data of electronic signature.

Rua COLORonel Antônio Fernandes, 246, CENTER, INHAPIM - MG - CEP: 35330-000



NUMBER do documento:
<https://pefmg.jus.br/443/pjo/Processo/ConsultaDocumento?uf=Mwscam?x=2261014029212120514083131485000019064672479312750651>
 Assinado eletronicamente por: DQWABNDEEARGUB ARTEIM AFRFOS A0921210210221612021541803

NNom.19666398688 - Pág 2



Court of Justice of the State of Minas Gerais

INHAPIM

CRIMINAL RECORD CERTIFICATE

I hereby certify that, upon reviewing the case distribution RECORDs of CRIMINAL NATURE up to the present date, there IS/ARE or HAS/HAVE BEEN found against:

Name: RONALDO LOPES RODRIGUES
Mother's name: MARIA APARECIDA LOPES RODRIGUES

Process	Distribution	Situation
0009879-08.2021.8.13.0309	14/06/2021 Criminal Letter Rogatory UNDER INSTRUCTION SECRETARIAT: Criminal Enforcement	

PROSECUTOR: Public Prosecutor's Office FILE BUNDLE: 2253

REQUESTING COURT: Criminal Execution - Caratinga/MG - 44003085120208130134

0036408-45.2013.8.13.0309 09/05/2013 CRIMINAL ACTION-ORDINARY PROCEDURE CLOSED SECRETARIAT: 1st Civil/Criminal/Exec.

PROSECUTOR: Public Prosecutor's Office

CLOSURE DATE: 10/14/2022 - PRESCRIPTION (ENFORCEMENT PHASE) INDICTMENT/COMPLAINT: 12/03/2015
FILE BUNDLE: 2616 SENTENCE: 08/08/2022 - EXTINCTION OF CRIMINAL LIABILITY DUE TO PRESCRIPTION FINALITY -
PARTY: 25/08/2022 PROSECUTION: 08/25/2022 CRIME/FACT: 01/03/2013

CLASSIFICATION(S):

ARTICLE 33 LAW 11.343/06

EXTINCTION OF LIABILITY: 08/08/2022

0028810-98.2017.8.13.0309 07/25/2017 CRIMINAL LETTER ROGATORY CLOSED SECRETARIAT: 1st Civil/Criminal/Exec.

PROSECUTOR: Public Prosecutor's Office

CLOSURE DATE: 09/20/2017 - LETTER RETURNED FILE BUNDLE: B36T

REQUESTING COURT: 1st Criminal Court - GOVERNOR VALADARES/MG - 105170001942

0014624-65.2020.8.13.0309 11/27/2020 CRIMINAL LETTER ROGATORY CLOSED SECRETARIAT: 1st Civil/Criminal/Exec.

PROSECUTOR: Public Prosecutor's Office

CLOSURE DATE: 01/07/2021 - LETTER RETURNED FILE BUNDLE: 2111

REQUESTING COURT: 3rd Criminal Court - Caratinga/MG - 129373020198130134

1 de 3



NUMBER do documento:
<https://pje.trf4.jus.br/43/pje/Processo/ConsultaDocumento/view/view.aspx?processo=225101402921212051408363248500019054672570312250571>
Assinado eletronicamente por: JDAWABNUEEACRUB ARIE I R A IFFCAS A09212102022612021541903

NNam.196666603688 - Pág 2



of 60
Court of Justice of the State of Minas Gerais

INHAPIM

CRIMINAL RECORD CERTIFICATE

Process	Distribution	Situation
0030691-13.2017.8.13.0309	08/08/2017	POLICE INCIDENT REPORT CLOSED SECRETARIAT: 2nd Criminal Special Court
VICTIM: J.J.S.		
CLOSURE DATE: 04/09/2018 - WITHDRAWAL APPROVED FILE BUNDLE: P27Z		
CRIME/FACT: 05/06/2017 CLASSIFICATION(S):		
ARTICLE 129 BRAZILIAN PENAL CODE		
0009543-72.2019.8.13.0309	25/03/2019	CRIMINAL LETTER ROGATORY CLOSED SECRETARIAT: 2nd Civil\Criminal Court
PROSECUTOR: Public Prosecutor's Office		
CLOSURE DATE: 05/28/2019 - LETTER RETURNED FILE BUNDLE: N07U		
REQUESTING COURT: 1st Criminal Court - GOVERNOR VALADARES/MG - 19421620178130105		
0018056-29.2019.8.13.0309	07/09/2019	CRIMINAL LETTER ROGATORY CLOSED SECRETARIAT: 2nd Civil\Criminal Court
PROSECUTOR: Public Prosecutor's Office		
CLOSURE DATE: 07/29/2019 - LETTER RETURNED		
REQUESTING COURT: 1st Criminal Court - Caratinga/MG - 129373020198130134		
0018460-80.2019.8.13.0309	07/11/2019	CRIMINAL LETTER ROGATORY CLOSED SECRETARIAT: 2nd Civil\Criminal Court
PROSECUTOR: Public Prosecutor's Office		
CLOSURE DATE: 08/06/2019 - LETTER RETURNED		
REQUESTING COURT: 1st Criminal Court - Caratinga/MG - 129373020198130134		
5003822-49.2022.8.13.0309	10/28/2022	INVESTIGATION PROCEEDING SECRETARIAT: 1st Small Claims Criminal Court of Inhapim
CASE TYPE: [CRIMINAL] POLICE INCIDENT REPORT		
5000687-29.2022.8.13.0309	03/10/2022	CLOSED SECRETARIAT: 2nd Civil, Criminal and Juvenile Court of Inhapim
CASE TYPE: [CRIMINAL] CRIMINAL LETTER ROGATORY		
4400308-51.2020.8.13.0134	22/12/2020	ACTIVE

2 de 3



NUMBER do documento:
<https://pje.tjmg.jus.br/443/pje/Processo/ConsultaDocumento/listView.seam?x=2261014029212120514083332485000019064672570312250671>
 Assinado eletronicamente por: DCA WABNUEEACRUB AIRE IIR A FFOCS-A092721024020221612021541903

Nº 106668803688 - Pág 2



Tribunal de Justiça do Estado de Minas Gerais

INHAPIM

CERTIDÃO DE ANTECEDENTES CRIMINAIS

Processo	Distribution	Situation
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SECRETARIAT: TJMG - INHAPIM - OPEN REGIME CRIMINAL

EXECUTION - PENAL EXECUTION

CASE TYPE: SENTENCE EXECUTION

ORIGINATING CASE(S):

0012937-30.2019.8.13.0134 3rd Criminal Court and Jury Court of the

Judicial District of Caratinga CURRENT REGIME: SEMI-OPEN

Observations:

a) Certificate issued free of charge via the internet, pursuant to Article 8 of Resolution No. 121/2010 of the National Council of Justice;

b) the information regarding CPF/CNPJ number is the responsibility of the applicant of the certificate, and the name and CPF/CNPJ are searched exactly as entered;

c) the recipient is responsible for verifying the name and ownership of the CPF/CNPJ provided, and may confirm the authenticity of the Certificate on the website of the Court of Justice of the State of Minas Gerais (<http://www.tjmg.jus.br>), for a period of 3 (three) months after issuance;

d) this Certificate includes both physical and electronic cases, where the Electronic Judicial Process (PJe), the CNJ System (formerly Projudi), and SEEU - Unified Electronic Execution System have been implemented, having the same validity as a certificate issued directly at the courthouse, and covers cases of the Ordinary Justice, Small Claims Courts, and Appeals Panels only within the searched judicial district, with the exception of SEEU, whose unified system covers all judicial districts of the State;

Certificate requested on November 9, 2022 at 10:58

INHAPIM, November 09, 2022 at 10:58

Authentication Code: 2211-0910-5831-0020-0099

To validate this certificate, access the TJMG website (www.tjmg.jus.br)

), go to Judicial Certificate / CERTIFICATE AUTHENTICITY / AUTHENTICATION 2, and enter the code.

WARNING: This document consists of 3 page(s). This document was issued by electronic processing. Any amendment or alteration will render it invalid and will be considered evidence of possible tampering or attempted fraud.

3 de 3



NUMBER do documento:
<https://pje.tjmg.jus.br/443/pje/Processo/ConsultaDocumento/listView.seam?x=2261014029212120514083932485000019064572570312250671>
Assinado eletronicamente por: JQAWALENDEARQUELREIRA A FFCOS A092121021020221610021541903

Nº 10666893688 - Pág 2



NUMBER do documento:
<https://pje.fmg.jus.br/443/pje/Processo/ConsultaDocumento/listView.seam?e=226102402121262254130430304250000190666257632953651>
Assinado eletronicamente por JTO-MAZINADGEORUPLEAFREITSAOAFCESSAM2ACD-HA20036-0212152120322 162432

Nºam.10666689688 - Pág. 18



JUDICIARY OF THE STATE OF MINAS GERAIS

Court of First Instance

Judicial District of INHAPIM / 1º Special Court of the Judicial District of Inhapim

PROCESS Nº: 5003822-49.2022.8.13.0309

CLASS: [CRIMINAL] Incident Report (278)

MATTER: [Minor offense]

AUTHORITY: MILITARY POLICE

PERPETRADOR OF THE OFFENSE: KEVIN CLEDENILSON RODRIGUES MACEDO and others.

DECISION

Having reviewed the case etc...

The indictment/complaint meets the requirements of Article 41 of the Code of Criminal Procedure, and no grounds exist for its dismissal under Article 395 of the Code of Criminal Procedure.

Considering that it describes a criminally punishable act, that there are no elements characterizing the extinction of the State's right to prosecute (*ius puniendi*), and that the defendant is legally accountable, I hereby **ACCEPT THE CRIMINAL COMPLAINT** filed by the Public Prosecutor's Office against the defendant **RONALDO LOPES RODRIGUES**, ordering the following measures::

- a) The Judicial Secretariat shall reclassify the procedural case as a **CRIMINAL ACTION**, in accordance with the procedure set forth in Article 394 of the Code of Criminal Procedure;
- b) **The defendant(s)** shall be served with process and, if they so wish, shall submit a response to the charges within 10 (ten) days, pursuant to Article 396-A of the Code of Criminal Procedure.

It is hereby clarified that merely character witnesses shall not be heard, that is, witnesses who have nothing to state regarding the facts described in the indictment/complaint and who would only testify in court as to favorable personal qualities of the defendant shall not be heard.



NUMBER do documento:
<https://pje.fmg.jus.br:443/pje/Processo/ConsultaDocumento/listView.seam?x=23601432121252251301313246500001906963207302151691>
Assinado eletronicamente por: J. R. V. S. G. A. E. F. P. X. E. R. R. E. A. R. D. A. R. C. S. A. T. A. 2. 0. 1. 4. 0. 2. 0. 2. 0. 2. 1. 5. 1. 2. 0. 1. 3. 1.

NNam.10606998890 - Pág 41

This determination does not imply any prejudice to the defendant, since testimony of mere character witnesses only reiterates what the law already presumes (favorable judicial circumstances under Article 59 of the Penal Code), in the event of a subsequent conviction.

In this regard, I bring to attention:

PARTIAL REVIEW (RITJ, Art. 216). PRIOR DENIAL OF TESTIMONY OF MERE CHARACTER WITNESSES OR WITNESSES NOT RELATED TO THE FACTS UNDER INVESTIGATION. POSSIBILITY. THE NECESSITY AND RELEVANCE OF EVIDENCE MUST BE ASSESSED BY THE TRIAL JUDGE. INTERPRETATION OF ARTICLE 400, §1 OF THE CODE OF CRIMINAL PROCEDURE.

PARTIAL REVIEW DENIED. - o art. 400, §1 of the Code of Criminal Procedure grants the criminal trial judge the authority to deny irrelevant, immaterial, or dilatory evidence. Therefore, the prior denial of testimony from mere character witnesses, or witnesses whose connection to the facts under investigation has not been previously demonstrated by the party, is lawful. Partial review admitted and denied.

(Court of Justice of Santa Catarina – TJSC, Criminal Partial Review No. 5049531-92.2021.8.24.0000, Court of Justice of Santa Catarina, Reporting Judge Carlos Alberto Civinski, First Criminal Chamber, judgment dated 11/04/2021). PARTIAL REVIEW (RITJ, Article 216). PRIOR DENIAL OF TESTIMONY FROM MERE CHARACTER WITNESSES OR WITNESSES NOT RELATED TO THE FACTS UNDER INVESTIGATION. POSSIBILITY. THE NECESSITY AND RELEVANCE OF EVIDENCE MUST BE ASSESSED BY THE PRESIDING JUDGE OF THE PROCEEDINGS. INTERPRETATION OF ARTICLE 400, §1 OF THE CODE OF CRIMINAL PROCEDURE. PARTIAL REVIEW DENIED. - art. 400, § 1º, of the Code of Criminal Procedure grants the criminal trial judge the authority to deny irrelevant, immaterial, or dilatory evidence. Therefore, the prior denial of testimony from mere character witnesses, or witnesses whose connection to the facts under investigation has not been previously demonstrated by the party, is lawful. Partial review admitted and denied.

Therefore, when listing witnesses, I request that the defense observe the actual necessity of taking testimony from the individuals indicated, avoiding unnecessary procedural acts and waste of time.

If the defense insists on listing mere character witnesses, their statements must be submitted in writing, either through a notarized declaration or a formal notarial RECORD.

Furthermore, in order to assist the work of the Court Clerk's Office and based on the principle of cooperation, I request the Defense's cooperation to verify with the defendant the possibility of providing the telephone numbers of the witnesses and whether they are able to appear at the hearing without formal summons, that is, without the need for court-issued service of process, thereby contributing to the proper functioning of the Clerk's Office and to a more efficient administration of justice.

The summons order includes an instruction to the Court Bailiff to ask the defendant whether he is financially able to retain defense counsel, and to document this in the official certificate/report.

It shall be included in the summons order, in addition to the above decision, that if any appointed attorney fails to appear in the RECORD within ten (10) days after service of notice, a court-appointed defense attorney (dative counsel) shall be appointed.



If the defendant reports that he is unable to retain defense counsel, or once the deadline for filing the response to the charges has elapsed, I hereby appoint **Dr. ELIAS RIBEIRO SALGADO**, who shall be formally notified of this appointment and, if he accepts, shall file a response to the charges within ten (10) days, in accordance with Article 396-A of the Code of Criminal Procedure, as well as list witnesses up to the maximum number allowed by law.

A copy of the criminal complaint shall be forwarded to the Criminal Execution Court responsible for the defendant RONALDO LOPES RODRIGUES (case file No. 4400308-51.2020.8.13.0134).

With respect to the offender Kevin Cledenilson Rodrigues Macedo, the case shall be scheduled for a preliminary hearing (Article 76 of Law No. 9.099/95).

The offender shall be notified to appear accompanied by his attorney. The Public Prosecutor's Office shall be duly informed.

So ordered.

INHAPIM, Date of electronic signature.

LARISSA TEIXEIRA DA COSTA

Judge of Law

1st Special Court of the Judicial District of Inhapim

Rua COLONel Antônio Fernandes, 246, CENTER, INHAPIM - MG - CEP: 35330-000



NUMBER do documento:
<https://pje.trf4.jus.br/443/pje/Processo/ConsultaDocumento/listView.seam?x=23601432121252251301313246500001900963207302151691>
Assinab documento por: LARISSA TEIXEIRA DA COSTA, T-A22-0040210202321551201331

NAm.196069988890 - Pág 40



JUDICIARY OF THE STATE OF MINAS GERAIS

Court of First Instance

Judicial District of INHAPIM / 1º Special Court of the Judicial District of Inhapim

RECORD of Filing

PROCESS Nº 5003822-49.2022.8.13.0309

[CRIMINAL] Incident Report (278)

AUTHORITY: MILITARY POLICE

PERPETRADOR OF THE OFFENSE: KEVIN CLEDENILSON RODRIGUES MACEDO

I hereby certify and attest that the following document(s) have been added to the case file: official letter (ofício).

Inhapim, date of electronic signature

LORENA VITORIA DE OLIVEIRA BORGES CARDOSO

Court Clerk

Rua COLORonel Antônio Fernandes, 246, CENTER, INHAPIM - MG - CEP: 35330-000



NUMBER do documento:
<https://pje.jmg.jus.br/443/pje/Processo/ConsultarDocumento/View.aspx?x=2360241272126215611035334150000190762662974342957651>
Assinado eletronicamente por: J.O.V.ANDREIA VITTOREIA DE CARVALHO DIS/ALP/2022.8.13.0309/2022.8.13.0309 - 17/02/2023 16:16:13

NNam.19860893898 - Pág 4



JUDICIARY OF THE STATE OF MINAS

GERAIS

Court of First Instance

Judicial District of INHAPIM / 1° Special Court of the Judicial District of Inhapim/MG

PROCESS Nº: 5003822-49.2022.8.13.0309

CLASS: [CRIMINAL] AÇÃO PENAL - SUMMARY PROCEDURE (10944)

PERPETRADOR: MILITARY POLICE

DEFENDANT: KEVIN CLEDENILSON RODRIGUES MACEDO, RONALDO LOPES
RODRIGUES

CERTIFICATE

INHAPIM, April 14, 2023.

I hereby certify that I have attached a copy of the criminal complaint forwarded to case file No. 4400308-51.2020.8.13.0134, in accordance with the decision.

IARA ALVES SIMOES

Court Clerk



NUMBER do documento:
<https://pje.tjmg.jus.br/443/pje/Processo/ConsultaDocumento/listView.seam?x=23609422122158120130304150000190968662976352857641>
assinado eletronicamente por JOVANA SOUZA RIBEIRO RAFAEL REOSSO CASZTANOWICZ em 27/05/2023 12:15:38

Nºam.19996883603 - Pág 79



JUDICIARY OF THE STATE OF MINAS GERAIS
Court of First Instance

Judicial District of INHAPIM / 1º Special Court of the Judicial District of Inhapim

Rua COLORonel Antônio Fernandes, 246, CENTER, Inhapim - MG - CEP: 35330-000

PROCESS N°: 5003822-49.2022.8.13.0309

CLASS: [CRIMINAL] CRIMINAL ACTION – SUMMARY PROCEDURE (10944)

MATTER: [Minor offense]

PERPETRADOR: MILITARYYY POLICE

DEFENDANT: KEVIN CLEDENILSON RODRIGUES MACEDO and others

SENTENCE

The report is waived, pursuant to Article 81, §3 of Law No. 9.099/95.

As can be seen from the case file, a criminal diversion agreement was reached, and the offender was subjected to the conditions specified at the hearing.

After reviewing the supporting documents filed in the case, the Public Prosecutor's Office requested the extinction of criminal liability of the offender due to compliance with the conditions imposed under the aforementioned benefit.

That being stated, I hereby declare the extinction of criminal liability of the offender **KEVIN CLEDENILSON RODRIGUES MACEDO**, due to full compliance with the criminal diversion agreement.

Court costs are waived.

Service of notice upon the parties is dispensed with.



NUMBER do documento:
<https://pje.jmg.jus.br/443/pje/Processo/ConsultaDocumento/listView.seam?x=23609425212321531043374250000190968682379302857601>
Assinado eletronicamente por J. Q. R. V. S. G. A. T. F. E. P. X. E. R. R. E. A. R. D. A. R. C. S. S. T. A. 22-00540302022153110304

Nº 100005000002 - Pág 81

**Remove the offender KEVIN CLEDENILSON RODRIGUES MACEDO
from the passive party of the case.**

Upon compliance with the determination, the case shall proceed against the defendant RONALDO LOPES RODRIGUES, in accordance with the indictment/complaint under ID No. 9696936850. In this case, the case file shall be submitted to the Public Prosecutor's Office for it to request whatever it deems appropriate, within fifteen (15) days.

Publish it. RECORD it. So ordered.

Inhapim, data of electronic signature

LARISSA TEIXEIRA DA COSTA

State Court Judge

1st Special Court of the Judicial District of Inhapim



NUMBER do documento:
<https://pje.jmg.jus.br/443/pje/Processo/ConsultaDocumento/listView.seam?x=23609425212321531043374250000190968682379302857601>
Assinado eletronicamente por J. Q. R. V. S. G. A. T. E. F. E. P. X. E. R. R. E. A. R. D. A. R. C. S. S. T. A. 22-05-2025 09:02:32 1531:10304

Nº 10000508002 - Pág 82

Remove the offender KEVIN CLEDENILSON RODRIGUES MACEDO from the defendant's side of the proceedings.

Upon compliance with the order, the case shall proceed against the defendant RONALDO LOPES RODRIGUES, in accordance with the indictment under ID No. 9696936850. In this case, **the case file shall be submitted to the Public Prosecutor's Office for it to request whatever it deems appropriate, within fifteen (15) days.**

Publish it. RECORD it. So ordered.

Inhapim, data of electronic signature

LARISSA TEIXEIRA DA COSTA

State Court Judge

1st Special Court of the Judicial District of Inhapim



NUMBER do documento: 230942521254571306363142500010060602370372157601
<https://pje.trfmg.jus.br/443/pjo/Processo/ConsultaDocumento/listView.seam?x=2360942521254571306363142500010060602370372157601>
Assinado eletronicamente por: JRCUB/ANM.DETORFEARFEURRATA/RCOS/DE- 242.04WE200962225601903203 154736

NºLum. 1108665292362521 -FF84g22



**02^a Public Prosecutor's Office of
Inhapim**

Case File: 5003822-49.2022.8.13.0309

Class: 10944 - Ação Penal - Procedimento Sumaríssimo

Parties:

- MILITARY POLICE
- RONALDO LOPES RODRIGUES

Honorable Judge,

The Public Prosecutor's Office is hereby informed of the judgment rendered in the case file, ID 10004223251.

Inhapim, September 25, 2023.

Jonas Junio Linhares Costa Monteiro
Public Prosecutor



NUMBER do documento:
<https://pje.fmg.jus.br:443/pje/Processo/ConsultaDocumento/listview.seam?x=23609425212821561308303041500010060629743425691>
 Assinado eletronicamente por: JOMANSJURNPOELRINEIWAARRECOSSO/OS2T2/0MWC2DZT8EZF2C051-205309/2023 18:16:26

NWm. 1066689630952-Page 34

EXHIBIT "C"



Poder Judiciário do Estado de Minas Gerais
PJe - Processo Judicial Eletrônico

22/04/2026

NUMBER: 0001849-13.2023.8.13.0309

Classe: [CRIMINAL] AÇÃO PENAL - PROCEDIMENTO ORDINÁRIO

BODY julgador: 1ª Vara Cível, Criminal e de Execuções Penais da District de Inhapim

Última distribuição : 24/01/2024

Processo referência: 0

Assuntos: Extorsão

Segredo de justiça? NO

Justiça gratuita? SIM

Pedido de liminar ou antecipação de tutela? NO

Partes	Advogados
Ministério Público - MPMG (AUTOR)	
RONALDO LOPES RODRIGUES (RÉU/RÉ)	
	NELSON ALAIDES PARREIRA NETO (ADVOGADO)

Documentos			
Id.	Data da SIGNATURE	Documento	Tipo
10435943561	23/04/2025 15:54	Sentença	Sentença





JUDICIARY OF THE STATE OF MINAS GERAIS
Court of First Instance

Judicial District of Inhapim / 1st Civil, Criminal, and Criminal Execution Court of the
Judicial District of Inhapim

Loteamento Recanto Verde, 31, --, Avenida Pau BRAZIL, Inhapim - MG - CEP: 35330-
000.

PROCESS N°: 0001849-13.2023.8.13.0309

CLASS: [CRIMINAL] CRIMINAL ACTION – ORDINARY PROCEDURE (283)

MATTER: [Extortion]

PERPETRADOR: Public Prosecutor's Office - MPMG CPF: not

provided DEFENDANT: RONALDO LOPES RODRIGUES

CPF: 121.243.916-31

SENTENCE

I – REPORT:

Whereas, etc.

The prosecutorial body of the Public Prosecutor's Office of the State of Minas Gerais filed a criminal indictment against

RONALDO LOPES RODRIGUES, Brazilian, single, born in Iapu/MG, on April 23, 1994, aged 27 at the time of the facts, holder of Identity Card (RG) No. 17.866.405, registered under CPF No. 121.243.916-31, son of Maria Aparecida Lopes Rodrigues and Pedro Rodrigues Neto, residing and domiciled at Rua Olavo Bilac, No. 249, São Cristóvão neighborhood, GOVERNOR VALADARES/MG, being charged under the provisions of Article 158, §1 of the Brazilian Penal Code.



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The indictment alleges that, on October 25, 2022 (Tuesday), at an unspecified time, at Rua Antônio Pereira de Souza, No. 410, Bela Vista neighborhood, Iapu/MG, within this judicial district, the defendants Kevin Cledenilson Rodrigues Macedo and Ronaldo Lopes Rodrigues, acting in concert and with a unity of intent, and with awareness and intent to commit an unlawful act, coerced the victim Alex Oliveira da Silva, through serious threat and violence, with the purpose of obtaining for themselves or for another an unlawful economic advantage, consisting of forcing him to give them money.

The indictment was admitted on **January 29, 2021**, under ID No. 10157581604.

The defendant Ronaldo was duly served and filed a response to the charges under ID No. 10192801187, through retained counsel.

The proceedings were severed in relation to the defendant KEVIN CLEDENILSON RODRIGUES MACEDO, as per ID No. 10225993826, resulting in case file No. 0001849-13.2023.8.13.0309.

A procedural organization and case management decision was issued under ID No. 10287400152.

A trial and evidentiary hearing was held under ID No. 10431025599 (content available on the PJe Mídias platform).

Closing arguments were presented orally at the hearing. The case file was then submitted to the judge for judgment.

This is the report. I proceed to decide.

II – REASONING:

No preliminary objections were raised. Furthermore, I do not identify any nullity that should be recognized and declared ex officio. I therefore proceed to examine the merits of the case.

According to the indictment, the defendant Ronaldo Lopes Rodrigues, acting knowingly and intentionally in the commission of an unlawful act and in concert and with unity of intent with co-defendant Kevin Cledenilson Rodrigues Macedo, allegedly coerced the victim Alex Oliveira da Silva through serious threat and violence, with the purpose of obtaining for themselves or for another an unlawful economic advantage, consisting of the delivery of a sum of money.

At the end of the evidentiary phase, however, the authorship attributed to Ronaldo Lopes Rodrigues appeared doubtful, and a conviction cannot be sustained, as follows.

In this context, when heard in court, the victim Alex Oliveira da Silva stated that he was approached by the defendants Ronaldo Lopes Rodrigues and Kevin Cledenilson Rodrigues Macedo, at which time Kevin allegedly seized a bar (object) and began assaulting him, without being able to explain the reason for the aggression. He added that Ronaldo did not commit any act of violence or threat against him, and that there was no prior dispute between him and the said defendant. Finally, when questioned about the discrepancy...



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In his statements, in contrast with those given during the police phase (in which he stated that Ronaldo had pushed him), the victim alleged that he had previously provided inCOLORrect information, asserting that only Kevin committed the acts against him.

The witness Anderson Vieira de Rezende, a MILITARYy police officer, testified in court that he collected the versions of both sides of the conflict, in which the victim alleged that he had been approached by the defendants Ronaldo and Kevin, with the latter having assaulted him with a punch. On the other hand, Ronaldo claimed that Alex had stolen money from his wallet and that he merely requested the return of that money.

The witness Tarcísio da Rocha Seixas, a police investigator, stated in court that no witnesses to the crime were found; however, he concluded that the events may have occurred due to drug-related debts.

Finally, the defendant RONALDO LOPES RODRIGUES, in his judicial interrogation, denied the facts described in the indictment, alleging that he approached the alleged victim to demand money that had been stolen from him, at which time he threatened to call the police, and Alex returned the allegedly stolen money. He further stated that there was a dispute between Kevin and Alex, but he was not present during those events.

Therefore, although there is a strong likelihood that the defendant Ronaldo Lopes Rodrigues may have participated in the unlawful act, and that the incident may have been related to drug debts, there is no sufficient body of evidence to support a finding of certainty, which is required for a criminal conviction. In this regard, I highlight the understanding of this Honorable Court of Justice of the State of Minas Gerais:

“In the absence of reliable elements to support the version set forth in the indictment, the defendant must be granted the benefit of the doubt, and, in observance of the principle of in dubio pro reo, must be acquitted.” (Court of Justice of the State of Minas Gerais – Criminal Appeal No. 1.0000.23.156542-5/001, Reporting Judge Justice Maurício Pinto Ferreira, 8th Criminal Chamber, judgment rendered on 10/19/2023, published on 10/20/2023).

“Where doubt exists, however minimal, it is preferable to acquit rather than convict an innocent person, in light of the principle of in dubio pro reo.” (Court of Justice of the State of Minas Gerais – Criminal Appeal No. 1.0720.17.005978-9/001, Reporting Judge Justice Doorgal Borges de Andrada, 4th Criminal Chamber, judgment rendered on 10/11/2023, published on 10/16/2023).

Furthermore, in support of this understanding, the criminal procedural principle known as favor innocentiae or favor libertatis, acCOLORding to the scholar Nestor Távora:

“Doubt always operates in favor of the accused (in dubio pro reo). In fact, in the balancing between the State’s right to punish and the accused’s right to liberty (status libertatis), the latter must prevail. As noted, this principle partially mitigates the principle of procedural equality, which is justified by the fundamental right to liberty at stake—and the risks arising from a potential wrongful conviction. In this context, subsection VII



of art. 386 of the Code of Criminal Procedure provides as a ground for acquittal the insufficiency of evidence to support the charges brought by the prosecuting authority, constituting a statutory embodiment of the favor rei principle (also known as favor innocentiae and favor libertatis)."

Diante de tais entendimentos e diante da ausência de provas suficientes que respaldem um juízo condenatório, vislumbro que o acusado deve ser absolvido da acusação que lhe pesa, com fulcro no artigo 386, inciso VII, do Código de Processo Penal.

III – DISPOSITIVE:

In light of all the foregoing, I hereby dismiss the request set forth in the indictment and, consequently, I ACQUIT the defendant, RONALDO LOPES RODRIGUES, duly identified in the RECORD, of the charges contained in the accusatory complaint, pursuant to Article 386, item VII, of the Brazilian Code of Criminal Procedure..

Costs *ex lege*.

Personal service of notice upon the defendant is waived.

The Public Prosecutor's Office shall be notified via the Official Electronic Gazette (DJE), and the defense counsel of the defendant shall be notified via the Electronic Judicial Notification System (DJEN), in accordance with Joint Notice No. 138/PR/2025.

After the judgment or appellate decision becomes final and unappealable, the case shall be closed and removed from the docket in the system, with the necessary communications and official notices being issued as required.

Publish it. RECORD it. So ordered.

Inhapim, date of electronic signature.

LARISSA TEIXEIRA DA COSTA

State Court Judge

1st Civil, Criminal, and Criminal Execution Court of the Judicial District of Inhapim



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