

# **Proofs: The 2005 November Prosecutor Fax**

## **Description:**

This proof is a two-pages document written by a prosecutor on October 2005, and notified to us one month later. It was the request to stop investigation about the legal proceedings.

The fax referred to our report sent on 5<sup>th</sup> May 2005 which asserted that some previously reports, sent between December 2004 and April 2005, to the same Court, were missing. The fact could have been generated by a loss or by a theft, in any case, the fact was considered by Italian law a crime (crime code 616).

Our previously reports have not reached the Court. Consequently they have been stolen or lost. The case remained unsolved.

Before to proceed details are due: the Italian criminal Court office is entitled to prosecute any criminal offences. When the prosecutor was informed about a criminal offence, he recorded it into a special book called “*giornale delle notizie di reato*” (crime logbook). After, a proceeding was opened and prosecutor investigates about. During this phase he hadn't the power to stop proceedings: to close it he must do a special request to a special judge, called with the acronym of GIP (Judge of preliminary investigation).

## **Explaining the fax:**

It was a proceeding closure request, and a copy was sent to us and another copy to judge of preliminary investigations.

Into first line there are delivery date, fax number, prosecutor's name.

Into the second line there is the serial number assigned into crimes logbook.

The body includes:

First, the prosecutor asserts he has read the documents concerning the proceeding, then the crime which he is investigation about has been recorded on 29<sup>th</sup> September 2005 with crime code 616. Then he asserts the guilty party is unknown

Second, one of our reports has reached the Court, creating the issue he is analyzing. He indicates the title of our report and the issue number assigned.

So for this report there aren't problems.

Third, previously reports didn't reached the Court and there are no elements to understand if papers are missing consequently a theft or consequently a loss.

There are no elements to discover the thief.

The conclusions are:

Since there are no further elements in order to continue investigation, and to find the guilty party, therefore the Prosecutor asked to judge for the closure of the case.

H. 05/06 number R.S. notizie di reato

PROCURA DELLA REPUBBLICA  
presso TRIBUNALE di  
R O M A

RICHIESTA DI ARCHIVIAZIONE  
(art. 554, comma 1 c.p.p.)

Al Giudice per le indagini preliminari  
di Roma

Il Pubblico Ministero dr. Prosecutor's name  
Visti gli atti del procedimento sopra indicato, iscritto nel  
registro delle notizie di reato in data 29/05  
nei confronti di IGNOTI

per 1 reato di 616 c.p.

Ritenuto che l'esposto avente come oggetto "ultimissimi fatti  
accaduti dopo... title... al 1° maggio 2005" è pervenuto  
a questa Procura formando il fascicolo n. /K, sicché NON  
è verificata alcuna sottrazione

ritenuto che i precedenti esposti NON sono pervenuti né  
vi sono elementi per accertare se vi verta in sottrazione o  
omissione e nel primo caso chi sia il autore delle  
sottrazioni

Visto l'art. 554 comma 1 c.p.p.

C H I E D E

disporsi l'archiviazione del procedimento e la conseguente restituzione degli atti al proprio Ufficio.

Manda alla Segreteria per la notifica all' person offes

Matteo

Surname

City

Address

Surname

City

Address

con avviso che nel termine di 10 giorni dalla notifica ha facolta' di prendere visione degli atti e presentare opposizione con richiesta motivata di prosecuzione delle indagini preliminari.

Roma, li' 4 10 05

IL SOSTITUTO PROCURATORE

(dr.

Prosecutor's Name and signature