

Approximately a half year ago I was attending a case before the City Court in Brno. The case belonged to area of criminal law and the subject matter of the case was disorderly conduct.

First of all, I'll try to explain the situation and circumstances of the case. Then I want mention something about the stages of litigation and the holdings of court. At the end I'll present reasoning of the court.

I start with the facts. In June, year ago, the defendant TF was going on the walk with his dog, when he met a known man PZ, who is also one of the witnesses in this case. The witness PZ insulted the defendant, who responded then with physical assault. The physical assault was specified by plaintiff as a punch in the face. To this dispute were subsequently involved other people around and the Police was called. The called Police start an investigation and heart all participants involved.

The court heart defendant and two witnesses again. The crucial points were alcohol consumption of participants, the intensity of assault and previous behavior of defendant in this kind of situations.

Procedural history of this case is very short. The Police started an investigation after the conflict. The first instance court starts an action in shortened hearing in February this year. The main hearing with proving and attendance of witnesses took place in April this year at City Court of Brno. The decision of the court came out from this hearing and parties gave up their right to appeal, so this was the end of case.

Concerning the defendant, his history was important for the ruling of the court. Between the incident and hearing before the court, defendant was sued for theft. The defendant was, by holding of the relevant court, recognized guilty from this crime, and he was imprisoned for this.

The court held that the defendant is guilty, but at the same time refrained from other punishment.

And what was a reasoning of the court? The court pointed out that the behavior of defendant was affected by alcohol and that he responding for insult. The court also took into consideration current behavior of defendant, who has a work in jail and tries to behave better. Both attorneys agreed that without involvement people around into the conflict, the Police wouldn't be called and there wouldn't be any case at all.

But on the other side, the reaction of defendant for insult was disproportionate. Because of all these mentioned reasons the defendant was recognized guilty without any other punishment.