



JUDGMENT

IN THE NAME OF THE REPUBLIC OF ESTONIA

Court	Viru County Court
Time and place of decision making	March 8, 2024, Narva Courthouse
Criminal case number	1-24-1019 (23913000060)
Judge	Mari-Liis Avikson
Court secretary	Marju Palm
Court interpreter	Svetlana Hamaza
Criminal matters	Aleksei Bond charged under Sections 931 (1) - 25 (2) of the Penal Code, pursuant to a plea bargain
Prosecutor	District Prosecutor's Office for Economic and Corruption Crimes District Prosecutor Daniel Toom (participated via video conference)
Accused	Alexei Bond personal identification code 37807054719; place of residence XXX; XXX; XXX; native language – XXX; XXX Criminally unpunished No sealant has been applied.
Defender	v.adv Deniss Matvejev (did not attend the hearing)
Time of the hearing	08.03.2024

RESOLUTION

Guided by Sections 248-249 of the Code of Criminal Procedure (hereinafter the Code of Criminal Procedure), the court decided:

To find Aleksei Bond guilty under Section 931 (1) - Section 25 (2) of the Penal Code and to sentence him to 5 (five) months imprisonment.

Apply Section 73(1) of the Penal Code and not enforce the sentence in full if Aleksei Bond does not commit a new intentional crime during the probation period.

Pursuant to Section 73(3) of the Penal Code, the probationary period shall be set at 1 (one) year and 6 (six) months.

Pursuant to Section 78(1) of the Penal Code, the probation period assigned to Aleksei Bond shall be counted from the date of the pronouncement of the judgment.

Physical evidence:

Rolex watch model 126613LB with serial number ND762411, which was taken from Aleksei Bond on 21.11.2023 at the border checkpoint and is in custody at the Security Police Department - Criminal Code § 126 (3) (2) return to Aleksei Bond.

Procedural costs:

Order Aleksei Bond to pay a fine of 1,230 (one thousand two hundred thirty) euros and 325 (three hundred twenty-five) euros 74 cents to cover other costs of the criminal proceedings in favor of the Republic of Estonia. In total, Aleksei Bond is to be ordered to pay a fine of 1,555 (one thousand five hundred fifty-five) euros 74 cents.

In accordance with Section 180(3) of the Penal Code, it is determined that Aleksei Bond has the right to pay the costs of the criminal proceedings ordered in the amount of 1,555 (one thousand five hundred and fifty-five) euros and 74 cents within 1 (one) year from the entry into force of the judgment.

The procedural costs should be paid to the Tax and Customs Board's bank account number EE351010052031000004 in SEB bank, SWEDBANK EE502200221014193355, LUMINOR BANK EE401700017002872300. The payment order should include the reference number 99924700007623 and the explanation "Aleksei Bond, 1-24-1019, criminal proceedings costs". It is mandatory to include the reference number. If the financial claims have not been paid in full on time, the claims will be sent to the bailiff for enforcement proceedings in accordance with the procedure provided for in the Code of Enforcement Procedure.

Appeal procedure

The accused and the defense counsel have the right to appeal the decision to the Tartu Circuit Court within 15 days in connection with a violation of the provisions of Chapter 9, Section 2 or Section 339, Subsection 1 of the Code of Criminal Procedure, and also if the act described in the agreement is not a crime, it is incorrectly qualified according to the Penal Code, or if the accused has been sentenced to a punishment for a crime that is not provided for by law.

CIRCUMSTANCES

A. Bond is accused of committing **the first** criminal offense qualified under Section 931 (1) - Section 25 (2) of the Penal Code. Namely, A. Bond entered the Narva border crossing point at the address Narva, Peterburi tee 1, in the direction outbound from the Republic of Estonia to the Russian Federation on 21.11.2023. A. Bond did not want to declare anything to customs and was directed to customs control, where a hidden object was first detected in his clothes by touching it and during a thorough search, a wristwatch hidden in his underwear was discovered. The wristwatch discovered turned out to be a mechanically wound Rolex model 126613LB, worth 13,900 euros. During the search at the border crossing point, the watch was taken from A. Bond and he was unable to take it across the border. A. Bond explained that he wanted to take the watch to Russia to exchange it for another watch there.

According to Article 3h(1) of Council Regulation (EU) No 833/2014 of 31.07.2014, it is prohibited to sell, supply, transfer or export luxury goods listed in Annex XVIII of the Regulation, directly or indirectly, to any natural or legal person, entity or body in Russia or for use in Russia.

According to Article 3h(2a) of the Regulation, the prohibition applies to goods if their value exceeds EUR 300 per item, unless otherwise provided for in the relevant Annex. Mechanically wound

The watch falls under the commodity code 9102 00 00 in the eighteenth paragraph of Annex XVIII to the Regulation. Mechanically wound watches costing over 300 euros were added to the Regulation as goods subject to sanctions on 15.03.2022 by Amending Regulation No. 2022/428.

According to § 3(1) of the International Sanctions Act (RSanS), an international sanction is a foreign policy measure aimed at supporting the maintenance or restoration of peace, international security, democracy and the rule of law, respect for human rights and international law, or the achievement of other objectives of the Charter of the United Nations or the common foreign and security policy of the European Union. According to § 6 of the RSanS, a violation of an international sanction is a failure to fulfil an obligation or a violation of a prohibition provided for in the legal act implementing the international sanction. A legal act implementing an international sanction is, within the meaning of § 9(1) of the RSanS, a regulation of the Council of the European Union or a law of the Republic of Estonia, on the basis of which the obligations and prohibitions prescribed in the legal act establishing the international sanction are applied. Therefore, Regulation No 833/2014 of the Council of the European Union of 31.07.2014, as amended, is an international sanction.

By such actions, A. Bond committed a crime qualified under Sections 931 (1) - 25 (2) of the Penal Code, i.e. an attempt to violate the prohibition provided for in the legislation implementing international sanctions.

2. In accordance with the agreement concluded between A. Bond, his defense counsel Deniss Matvejev and the Viru District Prosecutor's Office District Prosecutor Daniel Toom on 19.02.2024, the prosecutor requests the court to convict A. Bond pursuant to Section 931 (1) - Section 25 (2) of the Penal Code and to sentence him to 5 months of imprisonment. Pursuant to Section 73 (1), (3) of the Penal Code, the sentenced imprisonment shall not be enforced if A. Bond does not commit a new crime during the probationary period of 1 year and 6 months. In this case, the procedural costs are 1230 euros in fines and 325.74 euros in fee for the provision of state legal aid to the defense counsel Deniss Matvejev.

The parties agreed that the total amount of criminal procedure costs to be awarded against A. Bond is 1,555.74 euros. The accused and the defense agreed on the amount of the procedural costs. Pursuant to § 180(3) of the Criminal Procedure Code, A. Bond undertakes to pay the procedural costs within one year from the entry into force of the judgment.

As can be seen from the agreement, pursuant to Section 126 (3) (2) of the Criminal Code, the Rolex watch model 126613LB with serial number ND762411, which was taken from him at the border checkpoint on 21.11.2023 and is in custody at the Estonian Security Police, must be returned to Aleksei Bond.

to At the trial, A. Bond stated that he understood the agreement concluded, agreed with it, voluntarily gave his consent the application of the settlement procedure, and expressed his true will when concluding the agreement. The accused agreed to the agreed sentence and compensation for the costs of the criminal proceedings in accordance with the agreement reached. He also agreed to the measure to be **taken** with regard to the evidence. He adhered to the agreement concluded at the trial.

4. The prosecutor supported the agreement and requested that the court confirm the agreement with a judgment.

POSITION AND REASONS OF THE COUNTY COURT

The court, having reviewed the materials of the criminal case file and heard the opinions of the parties to the 5. proceedings, is of the opinion that the accused has understood the agreement and that the conclusion of the agreement corresponds to his true will. The requested punishment corresponds to the extent of the accused's guilt and the purpose of the punishment. In all other respects, the agreement exists and is lawful in all the elements required by law. The parties to the court proceedings adhered to the agreement during the court hearing. The court finds that the provisions of Chapter 9, Section 2 of the Criminal Code have not been violated in the agreement proceedings and that the regulations on agreement proceedings have been followed in the criminal case

proceedings. Based on the above, the court takes the view that the accused should be convicted of the charges brought against him and should be sentenced to the agreed sentence. The costs of the proceedings and the evidence should also be the issue must be resolved according to the agreement.

(digitally signed)