

**VERDICT**

**ON BEHALF OF THE RUSSIAN FEDERATION**

**Moscow**

12 July 2006

Presnenskiy district court, Moscow, comprised of:

Presiding Federal Judge Vasyuchenko T.M.,

with the participation of the State Prosecutor – Deputy Inter-District Prosecutor for Presnenskiy, Moscow and Junior Justice Councillor Voshchinskiy M.V.,

defence counsels:

Khabyrkin A.V. (defending Klyuyev D.V.), presenting authorisation No. 19 – A 28, attorney's licence No. 2635,

Sustatov S.M. (defending Steganova A.Ye.), presenting attorney's licence No. 3668, authorisation No. 725,

Artamonova Ye.P. (defending Zhlobitskiy I.L.), presenting attorney's licence No. 288, authorisation No. 328,

Larina V.F. (defending Voronkov O.Yu.), presenting attorney's licence No. 3772, authorisation No. 187,

Kirsanov V.M. (defending Pechkin A. N.), presenting attorney's licence No. 1928, authorisation No. 12,

in the presence of the Clerk of Court Kiselkova O.Yu.

having examined in an open court hearing the criminal case file in respect of:

**Klyuyev Dmitriy Vladislavovich**, date of birth 10 August 1967, born in Moscow, registered at the address: Apt. 111, 28 ul. Khamovnicheskiy Val, Moscow, citizen of Russia, with higher education, two minor children, employed as general director of Satellite Consulting Centre LLC, liable for military service, with no previous convictions,

**Zhlobitskiy Igor Leonidovich**, date of birth 27 August 1965, born in Potsdam, registered at the address: Apt. 127, Block 1, 6 ul. Pechorskaya, Moscow, citizen of the Russian Federation, with higher education, two minor children, employed as chairman of the board of CB (Commercial Bank) Universal Savings Bank LLC, liable for military service, with no previous convictions,

**Steganova Alevtina Yevgenyevna**, date of birth 20 January 1963, born in Manyukhino village, Mytishchinskiy district, Moscow Region, registered at the address: Apt. 25, 58 A ul. Baumanskaya, Moscow, citizen of the Russian Federation, with higher education, employed at CB Universal Savings Bank LLC, acting head accountant, not liable for military service, with no previous convictions,

**Voronkov Oleg Yurevich**, date of birth 27 September 1970, born in Bolshoye Kozino village, Balakhninskiy district, Gorkovskaya Region, registered at the address: Apt. 6, 10 Strelbishchenskiy per., Moscow, in fact residing at the address: ul. Trekhgorniy Val, Moscow, citizen of the Russian Federation, with higher education, one minor child, employed as assistant chairman on the liquidation committee of Roseltrans JSC (Joint-Stock Company), liable for military service, with no previous convictions,

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**Pechkin Aleksei Nikolaevich**, date of birth 6 September 1964, born in Aralturgai village, Karabutinskiy district, Aktyubinskaya Region, registered at the address: Apt. 79, 4 A ul. Leningradskaya, Podolsk, Moscow Region, in fact residing at the address: Apt. 124, 10 ul. Lenina, Istra, Moscow Region, citizen of the Russian Federation, with higher education, one minor child, employed as a fisheries officer in Timiryazev Academy, liable for military service, with no previous convictions,

accused of the commission of a crime under Articles 30(3), 159(4) RF Criminal Code,

**FOUND:**

**Klyuyev D.V. is guilty of organising to cause pecuniary damage to the property owner by means of deception, in the absence of indicia of large-scale embezzlement, by a group of persons by prior collusion.**

**Zhlobitskiy and Steganova are guilty of aiding and abetting the causing of pecuniary damage to the property owner through deception, in the absence of indicia of large-scale embezzlement, by a group of persons by prior collusion.**

**Voronkov and Pechkin are guilty of aiding and abetting the causing of pecuniary damage to the property owner through deception, in the absence of indicia of large-scale embezzlement, by a group of persons by prior collusion.**

**Voronkov is guilty of aiding and abetting the use of a document known to be forged.**

**Pechkin is guilty of using a document known to be forged.**

**The crimes were committed in the following circumstances.**

Klyuyev D.V., the general director of Chelter LLC, in December 2004 in Moscow (the exact time and place have not been established by the investigation), acting by prior collusion with a person against whom a case has been brought in a separate proceeding, for the purpose of the implementation of a criminal plan intended to cause damage to the property of Mikhailovskiy GOK OJSC (Open Joint-Stock Company) by unlawful seizure of shares of this Open Joint-Stock Company, planning to receive payment in the amount of RUR 52,130,000 for organising the seizure of shares of Mikhailovskiy GOK OJSC and acting from mercenary motives, in December 2004 in Moscow (the exact time and place have not been established by the investigation) organised the commission of said crime, selecting accomplices and allocating roles to them, specifically: He (Klyuyev) gave an instruction to his assistant and colleague at Chelter LLC, Albayev S.A. to organise the seizure of shares of Mikhailovskiy GOK OJSC; for the same purpose, he (Klyuyev) proposed to Zhlobitskiy I.L., Chairman of the Board of CB Universal Savings Bank LLC, to consider the issuance of two bank guarantees to the company Colchester Group Trading Corp. for the amount of RUR 3,140,384 and RUR 3,126,168.

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the foregoing, the court concludes that for the purposes of restoration of social justice his correction is possible without isolation from society, therefore it rules to suspend his sentence.

The court considers circumstances mitigating the guilt of Steganova A.Ye. to be the fact that she supports her elderly, ill mother and student daughter; taking into consideration that she has committed a crime of medium gravity for the first time and her role in said act, the court concludes that for the purposes of restoration of social justice her correction is possible without isolation from society, therefore it sentences her under Article 73 RF Criminal Code.

In handing down sentences for Zhlobitskiy, Pechkin and Voronkov, taking into consideration their roles in the act committed, the court believes that their correction is possible only in conditions of isolation from society; therefore it sentences them to punishment in the form of deprivation of liberty to be served in a penal colony.

In accordance with Pursuant to Articles 81, 299(1)(12) RF Code of Criminal Procedure the court will what is to be done with the material evidence.

Pursuant to Articles 296-299, 302-304, 307-309 RF Code of Criminal Procedure, the court has made the following

#### **VERDICT:**

To declare **Klyuyev Dmitri Vladislavovich** guilty of the commission of a crime under Articles 33(5), 165(2) RF Criminal Code and to sentence him to punishment in the form of deprivation of liberty for a term of 3 (three) years, with a fine in the amount of RUR 40,000 (forty thousand).

Pursuant to Article 73 RF Criminal Code, the sentence of deprivation of liberty is suspended for 2 (two) years with a probationary period.

To declare **Zhlobitskiy Igor Leonidovich and Steganova Alevtina Yevgenevna** guilty of the commission of a crime under Articles 33(5), 165(2) RF Criminal Code and to sentence them to the following punishment:

Zhlobitskiy I.L., under Articles 33(5), 165(2) RF Criminal Code, to punishment in the form of deprivation of liberty for a term of 1 (one) year 6 (six) months, with no fine, to be served in a penal colony;

Steganova A.Ye., under Articles 33(5), 165(2) RF Criminal Code, in the form of deprivation of liberty for a term of 1 (one) year 6 (six) months, with no fine.

Pursuant to Article 73 RF Criminal Code, the sentence of deprivation of liberty set for Steganova A.Ye. is suspended for 2 (two) years with a probationary period.

To count the time spent by Steganova A.Ye. in custody from 25 May 2005 to 8 August 2005 towards the term served for her sentence.

To declare **Pechkin Aleksei Aleksandrovich** guilty of the commission of crimes under Article 165(2) RF Criminal Code, Article 327(3) RF Criminal Code and to sentence him, under Article 165(2) RF Criminal Code, to punishment in the form of deprivation of liberty for a term of 1 (one) year 6 (six) months with no fine; under Article 327(3) RF Criminal Code, to punishment in the form of corrective labour for a term of 2 (two) years, retaining of 10% of his wage for state revenue.

Finally, for the crimes taken together, in accordance with Article 69(2) RF Criminal Code, by partial addition based on the calculation of one day's deprivation of liberty per three

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days of corrective labour, to sentence Pechkin V.A. to punishment in the form of deprivation of liberty for a term of 1 (one) year 8 (eight) months, with no fine, in a penal colony.

To adjudge **Voronkov Oleg Yurevich** guilty of the commission of crimes under Article 165(2) RF Criminal Code, 33(5), 327(3) RF Criminal Code and to sentence him to punishment under Article 165(2) RF Criminal Code in the form of deprivation of liberty for a term of 1 (one) year 6 (six) months, with no fine; under Articles 33(5), 327(3) RF Criminal Code to punishment in the form of corrective labour for a term of 1 (one) year, retaining 10% of his wage for state revenue.

Finally, based on the crimes taken together, in accordance with Article 69(2) RF Criminal Code, by partial addition based on the calculation of one day's deprivation of liberty per three days of corrective labour, to sentence Voronkov O.Yu. to punishment in the form of deprivation of liberty for a term of 1 (one) year 7 (seven) months, with no fine, in a penal colony.

To order Klyuyev D.V. and Steganova A.Ye., for the period of the probationary term, not to change their permanent place of residence without notifying the specialist state authority implementing the correction of convicted offenders, where they must appear for registration periodically, no less than once per month.

Until the verdict comes into legal force, to leave the restraint measure against the convicted offenders Klyuyev and Steganova as before, in the form of recognizance not to leave and to maintain orderly conduct.

Until the verdict comes into legal force, to leave the restraint measure against the convicted offenders Voronkov, Zhlobitskiy and Pechkin as before, in the form of confinement in custody.

To calculate the term of the sentence from the time of detention as suspects: for Voronkov, from 31 March 2005; for Zhlobitskiy, from 3 March 2005; for Pechkin, from 29 April 2005.

The material evidence: the files of arbitrazh case No. A53-445/2005/C3-40 (vol. 4, pages 16-316), the files of arbitrazh case No. A19-1964/05-6 (vol. 6, pages 47-231), the files of enforcement proceeding No. 4226/11/04 (vol. 2, pages 10-71), the documents removed from CB Universal Savings Bank LLC (vol. 11, pages 72-207)—to remain in storage in the case files.

The verdict may be appealed in Moscow city court within 10 (ten) days from the day of its announcement, within the same period by the convicted persons held in custody, but from the day on which a copy of the verdict is served to them.

In the event that cassation appeals are filed, the convicted persons have the right to petition to participate in the hearing of the criminal case by a court of cassation.

Judge

T.M. Vasyuchenko

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