

Dear Mr. Jana,

to your submission dated June 18, 2020, which I received as a complaint against the decision of the Berlin public prosecutor of July 31, 2020 in the preliminary investigation against Dr. Daniela Bermphol and Dr. Pia Schumacher on the accusation of fraud among other things - 282 Js 3510/20 - I inform you:

After examining the facts, I do not see myself in a position, contrary to the contested decision, to order that an investigation be made. The Berlin public prosecutor's office discontinued the proceedings for appropriate reasons. Your complaint is not suitable to justify another resolution.

I also note:

Pursuant to Sections 152 (2) and 160 (1) of the Code of Criminal Procedure, the public prosecutor's office is obliged to investigate any suspicion of a criminal act that it becomes aware of, provided that there are sufficient factual indications. At the same time, however, the aforementioned provisions also limit the criminal procedural authority to intervene, since the law enforcement authorities may only act to investigate and prosecute if there are sufficient factual indications of this. Mere assumptions and possibilities do not give rise to an initial suspicion. According to the above-mentioned regulations, the public prosecutor's office is only entitled to intervene if there are concrete indications that a criminal offense has been committed. However, she is not allowed to investigate whether a crime has been committed.

Neither your criminal complaint dated March 11, 2020 nor your statement of grounds of appeal dated June 18, 2020 contain such specific indications of the existence of criminal offenses.

In particular, your lecture and the documents submitted do not provide any concrete indications that the accused have omitted necessary treatments or that services that were not actually provided were invoiced or findings were falsified. There are therefore no concrete indications of the facts of bodily harm through omission (Sections 223, 13 (1) of the Criminal Code), fraud (263 of the Criminal Code) or forgery of documents (267 of the Criminal Code). It is also not clear what the accused could have supported other doctors treating you abroad in allegedly committed crimes there.

Since Section 152 (2) of the Code of Criminal Procedure not only implies an obligation to investigate in the event of sufficient factual evidence, but also - negatively - a prohibition to start investigations in order to gain such evidence, the procedure was - as happened - in accordance To discontinue § 170 paragraph 2 of the Code of Criminal Procedure.

I am therefore unable to respond to your complaint. Any claims under civil law are not affected by this notice.

Legal remedies

You can apply for a court decision against this notification within one month of the announcement. The request for a judicial decision must state the facts on which the public charge is to be brought and the evidence. It must be signed by a lawyer; The same rules apply to legal aid as to civil litigation.

The application is to be submitted to the criminal senate of the higher court in 10781 Berlin, Eißholzstrasse 30 - 33. The eligibility of electronic documents to be considered depends on compliance with the requirements of Section 32a of the Code of Criminal Procedure.

Sincerely

Luther Public Prosecutor Notarized

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Judicial workers