

Dentons achieves favorable ruling before the Constitutional Court of the Slovak Republic

April 30, 2021

Bratislava —Dentons' Litigation and Dispute Resolution team in Bratislava obtained an important favorable ruling before the Constitutional Court of the Slovak Republic, in a pro bono case for Jozef Andrej, who was convicted by the Prešov courts for the manslaughter of his severely disabled son, whom he and his ex-wife had been caring for over 20 years. After the intervention of the Constitutional Court, his case returns to the Supreme Court.

The client diligently cared for his handicapped son Dominik, who was diagnosed with severe cerebral palsy and in need of 24 hour a day care for more than 20 years. Dominik died on September 2015 in his parents' apartment, when he suddenly stopped breathing and showed signs of a comatose state. The client immediately began resuscitating his son, but he could not revive him. According to the indictment, the cause of death was asphyxiation after disconnection of the breathing apparatus. According to the court, the intention to kill was not proven, as the defense was able to demonstrate the disconnection and reconnection of the device in the attempt to resuscitate. However, the courts saw negligent fault for the client's failure to call for an ambulance immediately. The charge carried a minimum sentence of 20 years and a possible sentence of life imprisonment. The client was acquitted of the murder charge, and the charge was reduced to negligence causing death. The first instance court and by the appeal court sentenced the defendant to time served. The client did not accept the verdict, so he appealed to the Supreme Court, which refused this appeal in November 2019.

"We believe that we will see a fair end to this otherwise very sad and unique case in Slovakia. The case returns to the Supreme Court and we believe that we will be able to achieve a complete acquittal. We are glad that in this case the Constitutional Court of the Slovak Republic sided with justice," said Peter Kubina, Slovakia Managing Partner at Dentons, "Representing clients before the Constitutional Court is our specialty and passion, as evidenced by the numerous groundbreaking decisions we have achieved in recent years."

Peter Kubina represented Mr. Andrej in the case on a pro bono basis and all written pleadings were prepared by paralegal **Nina Drgalová**.

About Dentons

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