**Criminal complaints**

May 10, 2016

June 9, 2015

Tokyo District Public Prosecutor's Office

Complainant

〒 261 - 0003

Address 6-18-9 Takahama Mihama Ward, Chiba City

Telephone 090-4824-7899

Occupation Joint Venture Company Future Representative

Birth date September 9, Showa 24 Showa

Name Nagano Yasuhiro

Respondent

Criminal law 194 Paragraph of special criminal officials abuse of official abilities and criminal law 172 False charges Criminal law Article 62 (1) Assistance for assistance

Address 〒102-0083, Kojimachi 1 - chome, Chiyoda - ku, Tokyo 6th 2 Urbannet Kojimachi Building 3rd Floor

1) Attorney Moto Murakami (Ohara Law Firm)

2) Ohara Law Firm Representative Lawyer Seisaburo Ohara

**Chapter 1 . Purport of complaint**

The complainant psychologically promoted conducting acts against the following crimes made by the former offender.

Japan criminalized foreigners who illegally worked against "illegal employment" as "Immigration and Refugee Recognition Act (hereinafter referred to as" Immigration Act ")" Article 70 "Illegal Working Crime" and employed illegally worked employment By equality criminal disposition of both parties under Article 2 of the Immigration Act 73, "illegal employment promotion crime", it is prohibited to dispose of foreigners arbitrarily "equal under the law" of the Constitution of Japan We are legislating not to violate the international law.

However, in reality, we do not dispose of (illegally worked employers) as "illegal employment promotion crime", but criminalize (illegal workers only) criminalized themselves as "illegal workers," and ban them from the world.
This is contrary to international law which prohibited foreign discrimination arbitrarily. It is contrary to equality under the law of the Constitution of Japan.

If you do not dispose of businesses with "illegal employment promotion crime" that illegally worked, foreign nationals who were made illegally worked are also innocent (innocent) the logic of law. If so, of course, there is no one to help anyone to work illegally. This is governance under the law, respect for fundamental human rights, compliance with international law.

In the case of the aid to violate the Immigration Control Act that occurred in 2010, I did more criminal acts. Although we had not dispose of illegal workers as "illegal employment promotion crime", but only foreigners who illegally worked were punished by "illegal employment crime" and were exiled from abroad, "illegal employment promotion In order to pretend to be an equally disposal of an "assistant" of a third party

in lieu of the employer of "crime", he criminalized a third party and sentenced the foreign national who worked illegally to "imprisonment punishment "And expelled it from abroad. A third party is a Chinese "Kin Gungaku" under former employee who was convicted with a complainant who offered an employment contract to the former offender to be hired.

"Kin Gungaku Academy" conceived with me is a special law that established for compliance with international law against a illegal act against Chinese illegal employment and aimed at aiding acts against illegal work and encouraging acts It was not illegal employment promotion crime, but illegally provided "false employment contract", so the status of residence was easily obtained. So I was in Japan. I was illegally working because I was in Japan. In the cause-and-effect relationship with, I was imprisoned with imprisonment (imprisonment punishment) abused the "criminal sin" of the criminal law which is the general law.

As well as us, as far as I can tell, in 2014, the Embassy officials and diplomats of the Philippines have been criminalized by "illegal guilty" with similar illegal logic.

My argument is that criminal acts aimed at assisting criminal laws are criminal acts in violation of applicable law for the following reasons. The charges of defendants' complaints are "criminal charges of false charges" of the penal code and "crime of abuse of the special public officer's authority".

1. The aid for assisting illegal employment is stipulated in Article 2, Article 73 of the Immigration Control Act, "Special Law", "Crime of Promoting Illegal Employment." I am not doing the act prescribed in "illegal employment promotion crime" so that regular

chief officers, police officers, prosecutors can also admit.

2. None of the businesses hiring a former offender has been disposed of as an "illegal employment promotion crime" prescribed by the Immigration Control Law without the accusation. If so, then the husband who was hired was also acquitted without injustice. And there is no assistant of any kind.

3. Next, it can not be said that the provision of "Contents false employment contract" made it easier to acquire the status of residence. In addition,

In addition,

Although it is said that they have acquired the status of residence easily, the conditions for granting status of residence are not stipulated by law, the conditions of granting are unpublished, they are given at discretion by the Minister of Justice and have made the status of residence easier I can not say.

As stipulated in the cancellation of the status of residence as stipulated in Article 22-4 of the Immigration Act as long as you have acquired your status of residence under "Contents of False Employment Contract" it is separate from illegal employment.

Even if you obtain the status of residence of international or technical skills from the Minister of Justice for "content false employment contract", if you work within the scope of the status of residence of international or technical skills or humanities, you will not become illegal (non-qualified) activities It is a trivial idea. Therefore, acquisition of status of residence and illegal work are not related at all.

Article 31 of the Constitution stipulates that "No person shall be deprived of its life or liberty unless it is based on the procedures prescribed by the law, or can not impose any other punishment" (The provision of the law refers to the law established in the Diet In light of the provision of local councils), submission of employment contracts is not required by law or ministerial ordinance, but is requested by foreigners for submission by section manager and cooperated as a business operator, Even if it is false, there is no legal basis to impose criminal penalties on the case that the Minister of Justice gives at discretion. The only thing is that the Minister of Justice can cancel the status of residence as immigration by the Immigration Control Act.

The granting of status of residence is at the discretion of the Minister of Justice, but the Minister of Justice is not a law "ministerial ordinance" of the Ministry of Justice, and for technical and humanities international, it is stipulated as granting policy that you have specialized knowledge after graduating from university, junior college etc. As we can guess that "diploma" is a major factor of granting status of residence, it can not be said that employment contracts make it easier to obtain a status of residence.

I was in Japan because I got my status of residence. Although he said that he was in Japan, he said he was able to work illegally, but the status of residence is provided by the Minister of Justice at the discretion for undisclosed conditions.

Even after receiving the status of residence, furthermore the immigration permission (seal on the passport) is also unpublished permission conditions, allowing the foreign minister to reside (enter) by giving permission at the discretion. Therefore, even if the employment contract is false, it can not be said that it is easy to influence the discretionary authority of both Ministers.

In addition,

As a fact, since the Minister of Justice grants the status of residence at the discretion, complainants were explained and operated as follows on the status of residence as a result of questioning with immigration.

1) If the status of residence qualification is satisfied in "diploma" and expert knowledge is found, if employment company is inappropriate or employment contract is false etc, please let foreigners change employment contract company and reapply I am doing.

2) Foreign residents who have engaged in employment contracts will be granted a status of residence to foreign individuals even if they do not enter the company with their status of residence, and after granting, they will work anywhere within the scope of status of residence (skills and humanities) This is free.

3) After acquiring the status of residence, even if you can not join the employment contract company, you can find employment in the range of your status of residence and work within a certain period of time, rather than immediately rescission of your status of residence.

Therefore, it can not be said that the provision of false employment contracts made it easy to acquire the status of residence, and there is no causal relation between acquisition of status of residence and illegal employment.

As stated above, even if you obtain the status of residence of technology and humanities internationally at the discretion of the Minister of Justice with "content false employment contract", if you work within the scope of the status of residence of technology and humanities internationally, you will not be illegally employed It is obvious

that it is not self-evident that "content false employment contracts" and illegal work are irrelevant.

It is self explanatory that they were illegal workers being the responsibility of employers who employed and worked foreigners with status of residence without the qualification to work.

As described above, according to the purpose of legislation of Immigration Control Act, aiding and promoting acts against illegal employment are unjustifiable as stipulated in "illegal employment promotion crime" and the application of assistance charges is illegal.

In 2015, a Chinese international student in Osaka hosted a hostess, was disposed of as "illegal work" and became "deportation", but it is fraudulent in trial as being unjust and has been innocent.

The reason for the judgment at this time is that it is not a main rule (law) of the immigration law, but a by-law (ministerial ordinance), because it is not permitted to work within 28 hours of work hours per week or work in sex business as a non-qualification activity, There was no indictment rejected.

Four. It is human rights violation against foreigners to assert that a foreigner will be in a criminal office if it is in Japan. And if foreigners are to be in Japan, it is abuse of assistance to assume that foreigners commit criminal offense if they commit a criminal act, people can not live with peace of mind.

Residents who are not criminal punishment due to causality that they made a crime because they made it possible to live in Japan rather than "illegal employment promotion

crime" which stipulated the punishment of the aid acts against foreigners illegal employment Applying the criminal law "assistance crime" for the reason of assisting the deletion、It is illegal for abuse of assistance sins.

Since we provided "(false) employment contract" to the former offender (requested by the section manager in charge of illegal employment), it was possible to obtain the status of residence easily (at the discretion of the Minister of Justice) at discretion. Since the status of residence was obtained, I was able to live in Japan (the foreign immigrant visa was obtained at the discretion of the foreign minister). I was able to work illegally because I was able to live in Japan. As stated earlier, even if it is "content false employment contract", obtaining acquisition of residence status and permission of immigration visa is nothing more than legal It is a vicious discrimination against foreigners that it is criminal that there is no basis, there is no causal relation clearly and because it was in Japan, it is a vicious discrimination against a foreigner, it is a human rights violation, and it is illegal because of abuse of assistance crime is.

In Japan, we refer to such a far-cryptic reasoning theory as "argue-making argument if wind blows". If the wind blows, why will the tuya be profitable ...? If you talk about causality, it is long. And there are various scenarios. In other words, the cause-and-effect relationship is "frustration".

If such a custom of applying assistance crime is rooted in a distant causal relationship, it is a terrible Japanese society. People can not live with peace of mind.

In addition,

I made it possible to live in Japan, so I was able to "work illegally". Therefore, although it

says that the causal relationship is obvious, I lent a room of apartment to a foreigner so that I could live in Japan. As being able to live in Japan, it is possible for homicide to be able to be applied to the owner of the apartment, the aiding crime of "murder guilt" can be applied? What? What? As this answer,

The interrogation police officer said, "President, because the Chinese have worked illegally, we can financially assist illegal work ... but if the Chinese were murderers, it would be an aid for murder guilt! Please put on! " We are already applying "murder guilt" of murder to the owner of the apartment.

If you think that Japanese who treat foreigners equally is not interesting, we are doing the murder as an assistant to this Japanese in discretion. The root of human rights abuses is because arbitrary foreign exclusion habits are rooted.

Therefore, the offense of the defendant appellant's offenses is the "criminal charges of false charges" of the criminal law and it is "a crime of abuse of the special public officer's authority."

Regarding individuals, we will state the facts of the complaint in Chapter 2, but the "crime of abuse of the special public officer's authority" is a crime established by abusing its authority and arresting and imprisoning others. Criminal constitution requirements of official abuses of special public officials As to the suitability,

① The principal is a special civil servant, · · · facts It is police officers, prosecutors and judges.

② Having arrested and confined a person · · · It was arrested and confined as a fact.

③ abuse of authority, established by. · · · · Whether abusing official authority, but abuse

is the illegal exercise of authority on duties, so that means and methods are not only violent and threatening but also victimized in practice It is said that it suffices if it is enough to oppose the freedom of decision making to the extent that the result can not be accepted to the person.

As for the police officer, Article 189 of the Code of Criminal Procedure, the police officers shall be appointed by other laws or the National Public Safety Commission or the prefectural public safety commissioner I will perform the duties as judicial police officials, as determined by the Association.
2 When a judicial police official thinks that there is a crime, it shall investigate the perpetrator and evidence. It is stipulated.

Therefore, it is illegal to conduct investigation, arrest and confinement, even though crime is not imagined, that is, it is not in violation of any law, it is a crime of abuse of the special public officer's authority.
As stated in the complaint facts, we urge freedom of decision making by exercising illegal content lie and arrest warrant etc, exercise authority on duties.
Criminal offense is established because this obvious illegal act is abuse of official abilities, since crimes of abusing ex official authority of special civil servants does not require deliberation.

Means for restoring honor is 'request retrial.' However, we can not request a re-trial of "mistake in application law". However, it can prosecute crimes of police officials and prosecutors involved in the case, and if the crime is confirmed, you can request "retrial."

I hope that the prosecution will voluntarily request a retrial as a proof that Japan's judiciary realizes governance under the law, respect for basic human rights, and compliance with international law.

In addition,

Therefore, I will submit a complaint to you a couple of times.

The reason for the following complainant is considered to be a person who falls under the penal code of Article 62, paragraph 1 of the criminal law against criminal law 194 special criminal officials' abuse of professional authority and criminal law 172 false accusation made by the former offender, so punish I will file a complaint.

**Chapter 2 Accrual Facts**

**I. Criminal facts aided in assisting criminal offenses of special public servants**

1. Police officials of the former offenses illegally abused their own authority, around 11:30 on June 14, 2010. And the complainant claimed that criminal offenses were made because no crime was taken into consideration, and despite not committing criminal acts, providing false employment contracts to the offenders who worked illegally. And at the Setagaya Police Station charges the complainant for falsifying a complainant for immigration to the Immigration Act (illegal employment due to activities other than the status of qualification) before falsely claiming the arrest warrant to the Tokyo Simplified Court, the complainant abuses the official authority it has The illegal arrest warrant of false lies pressed freedom of decision making. And the complainant did not have any obligation, conducted illegal arrest / detention and conducted interrogation. After that, even after transferring to the Tsukishima station to conduct illegal arrest detention and interrogation, the police officers' actions fall under the criminal offense abusing the 194

special criminal officials authority.

Defendant Mamoru Murakami failed to investigate laws and ordinances against the criminal act of the former offender against the 37th Paragraph 1 of the Basic Law Attorney's Job Regulations and complained against the lawyers law by criminalizing the fact of the criminal offense and prosecuting It did not defend the person and did not point out criminal acts made by the former crime by unexpected accident as legal experts lawfully and promoted the act of conduct psychologically, that is, it assisted the crime.

Osaka lawyer representative lawyer Seijisaburo Ohara said that contrary to Article 55 of the basic provision of lawyer's duties, only when the affiliate lawyer Momo Murakami failed to take necessary measures to comply with the basic provisions of the lawyer's duties I can not tell you the same sin.

In addition, if the complainant pointed out the criminal facts, it was obliged that the former offender had to admit the facts of the crime, the complainant was immediately released and the case was over.

2. The offenders of police officers illegally abused their own authority around July 3, 2010, and the complainant can not believe that any crime is being considered and criminal acts are not done, The provision of an employment contract to an illegal worker who was illegally worked is said to be a criminal offense and is charged with advocating a complainant who is detained at the Tsukishima station for assisting the immigration law (illegal employment due to activities outside the status of qualification) Lie to the Tokyo

Simplest Court (re-) arrest warrant, the complainant abuses the official authority of the complainant, illegitimate arrest warrant of false content, oppresses the freedom of decision making, what is the complainant After carrying out illegal arrest / imprisonment, even after transferring to the Setagaya station and the Ogikubo station, illegal arrest detention and interrogation was conducted and interrogation was carried out, the police officers' acts were 194 special criminal offenses of criminal law It is a criminal offense for official authority.

Defendant Mamoru Murakami failed to investigate laws and ordinances against the criminal act of the former offender against the 37th Paragraph 1 of the Basic Law Attorney's Job Regulations and complained against the lawyers law by criminalizing the fact of the criminal offense and prosecuting It did not defend the person and did not point out criminal acts made by the former crime by unexpected accident as legal experts lawfully and promoted the act of conduct psychologically, that is, it assisted the crime.

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In addition, if the complainant pointed out the criminal facts, it was obliged that the former offender had to admit the facts of the crime, the complainant was immediately released and the case was over.

3. Prosecutors of the former offenders illegally abused their own authority around June 16, 2010, and the complainant is concerned that no criminal offenses are made and despite the fact that the criminal offense is not done, the content of false employment Having provided the contract to the illegal worker who was illegally worked, it is said that criminal charges are being considered, and charges of arresting and detaining complainant who is under arrest / detention at Tsukishima station are charged with assisting the immigration law (illegal employment due to activities outside the status of qualification) Illegally obtaining a detention request, illegally acquiring a detention letter, abusing the official authority, pressing the freedom of decision making with an illegal detention notice of false contents, the complainant has no obligation, illegal We conducted arrest detention and interrogation, and the prosecutor's office falls under the criminal offense abusing the 194 special criminal officials.

Defendant Mamoru Murakami failed to investigate laws and ordinances against the criminal act of the former offender against the 37th Paragraph 1 of the Basic Law Attorney's Job Regulations and complained against the lawyers law by criminalizing the fact of the criminal offense and prosecuting It did not defend the person and did not point out criminal acts made by the former crime by unexpected accident as legal experts lawfully and promoted the act of conduct psychologically, that is, it assisted the crime.

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In addition, if the complainant pointed out the criminal facts, it was obliged that the former offender had to admit the facts of the crime, the complainant was immediately released and the case was over.

Four. In response to the detention request above, on June 24, 2010, the defense counsel demanded the Tokyo District Court a request for cancellation of detention, but the prosecutor of the formal offender, in response to the opinion of the judge, Illegally abusing, illegally issuing a notice of cancellation, oppressing the freedom of decision-making, the complainant has no duty to do illegal arrest and detention, The prosecutor's office falls under the criminal offense abusing the 194 special criminal officials criminal offense.

Defendant Mamoru Murakami failed to investigate laws and ordinances against the criminal act of the former offender against the 37th Paragraph 1 of the Basic Law Attorney's Job Regulations and complained against the lawyers law by criminalizing the fact of the criminal offense and prosecuting It did not defend the person and did not point out criminal acts made by the former crime by unexpected accident as legal experts lawfully and promoted the act of conduct psychologically, that is, it assisted the crime.

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In addition, if the complainant pointed out the criminal facts, it was obliged that the former offender had to admit the facts of the crime, the complainant was immediately released and the case was over.

5. The prosecutor of the former offender illegally abused the official authority which it has about July 3, 2010, and the complainant can not do any criminal thought and despite the fact that the criminal case is not done, the content is false hiring The fact that the agreement was provided to the former offender who worked illegally is due to criminal charges and the charges of assisting the complainant who arrested and captured in Ogikubo station for the immigration law (illegal employment due to activities other than the status of qualification) I illegally (re) demand a detention claim, illegally acquire a detention letter, abuse the authority, pressure the freedom of decision making with a false illegal detention notice, the complainant has no obligation , Conducted illegal arrest and detention and interrogation.

Defendant Mamoru Murakami failed to investigate laws and ordinances against the criminal act of the former offender against the 37th Paragraph 1 of the Basic Law Attorney's Job Regulations and complained against the lawyers law by criminalizing the fact of the criminal offense and prosecuting It did not defend the person and did not point out criminal acts made by the former crime by unexpected accident as legal experts lawfully and promoted the act of conduct psychologically, that is, it assisted the crime.

Osaka lawyer representative lawyer Seijisaburo Ohara said that contrary to Article 55

of the basic provision of lawyer's duties, only when the affiliate lawyer Momo Murakami neglected the necessary measures to comply with the basic provisions of the lawyer's duties I can not tell you the same sin.

In addition, if the complainant pointed out the criminal facts, it was obliged that the former offender had to admit the facts of the crime, the complainant was immediately released and the case was over.

6. The prosecutor of the former offender took over from the interrogation prosecutor and from ___ 0 late July 2010 until around June 24, 2011, illegally abusing his own authority, the complainant has no crime Despite being unexpected and not acting as a criminal offense, providing content to a former offender who illegally employed a false employment agreement is regarded as a crime, and a complainant imprisoned in the Tokyo detention center violated the Immigration Act (Illegal employment due to activities outside the status of qualification) as a defendant, and at the end of October of the same year, illegal content false indictment in court began to be tried, criminal pressure on decision-making, complainant There was no obligation on the illegal arrest and detention and tried it.

And the counsel also requests a bail request monthly, but each time the complainant gets an opinion not allowing the judge to bail, issue a notice of dismissal of illegal bail, It was a criminal trial under Article 194 of the Penal Code, which is a criminal offense against the mandate of the special public officer 's office, with the court tried to conduct an illegal arrest detention and detention without any obligation to the complainant.

Defendant Mamoru Murakami failed to investigate laws and ordinances against the criminal act of the former offender against the 37th Paragraph 1 of the Basic Law Attorney's Job Regulations and complained against the lawyers law by criminalizing the fact of the criminal offense and prosecuting It did not defend the person and did not point out criminal acts made by the former crime by unexpected accident as legal experts lawfully and promoted the act of conduct psychologically, that is, it assisted the crime.

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In addition, if the complainant pointed out the criminal facts, it was obliged that the former offender had to admit the facts of the crime, the complainant was immediately released and the case was over.

7. A judge of the former offender illegally abused the official authority which it has around the time of arrest on June 14, 2010, and the complainant does not believe any crime and does not commit a crime, Contents The provision of a false employment contract to an illegal worker who committed illegal employment is considered to be a case in which criminal charges are considered and it is illegal for a police officer for alleged infringement of the complainant against violation of the Immigration Act (illegal employment due to activities other than the status of qualification) We arrested and arrested illegal arrests and detention without any obligation to the complainant because

we arrested arrest warrant as legitimate by sentiment, illegally issuing an arrest warrant, pressing freedom of decision making, The act of the judge falls under the criminal offense abuse of the special civil servant officials 194 criminal law.

Defendant Mamoru Murakami failed to investigate laws and ordinances against the criminal act of the former offender against the 37th Paragraph 1 of the Basic Law Attorney's Job Regulations and complained against the lawyers law by criminalizing the fact of the criminal offense and prosecuting It did not defend the person and did not point out criminal acts made by the former crime by unexpected accident as legal experts lawfully and promoted the act of conduct psychologically, that is, it assisted the crime.

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In addition, if the complainant pointed out the criminal facts, it was obliged that the former offender had to admit the facts of the crime, the complainant was immediately released and the case was over.

8. The judge of the former offender illegally abused the official authority which it has around July 3, 2010, and the complainant can not criminalize anything, and despite the fact that the criminal case is not done, the content of false employment Having provided the contract to the illegal worker who was illegally worked, it is said that criminal charges

are considered, and charges accused of arrest and detention at the Tsukishima police station are being charged with alleged infringement of the immigration law (illegal employment due to activities other than the status of qualification) I illegally arrested and captured a police officer by illegally (arbitrary) arrest warrant claim by law, accepting illegal issuance of an arrest warrant, oppressing freedom of decision making, no obligation for complainant The cause of the judge is that it falls under the criminal abuse of 194 special criminal officials criminal law.

Defendant Mamoru Murakami failed to investigate laws and ordinances against the criminal act of the former offender against the 37th Paragraph 1 of the Basic Law Attorney's Job Regulations and complained against the lawyers law by criminalizing the fact of the criminal offense and prosecuting It did not defend the person and did not point out criminal acts made by the former crime by unexpected accident as legal experts lawfully and promoted the act of conduct psychologically, that is, it assisted the crime.

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In addition, if the complainant pointed out the criminal facts, it was obliged that the former offender had to admit the facts of the crime, the complainant was immediately released and the case was over.

9. The judge of the former offender illegally abused the official authority which it has around mid-June 2010, and the complainant can not criminalize anything, and despite the fact that the criminal case is not done, the contents are fake employment Having provided the contract to the illegal worker who was illegally worked, it is said that criminal charges are considered, and charges of arresting and imprisoning a complainant who is arrested and captured by Tsukishima Daiichi are charged with assisting the immigration inspector's violation of immigration law (illegal employment due to activities outside the status of qualification) We illegally issue prosecutors' illegal detention notice by law as legitimate, illegally issue a detention letter, oppress freedom of decision making, let the complainant perform illegal arrest / detention without any obligation The reason for the judge is that it falls under the criminal abuse of 194 special criminal officials in criminal law.

Defendant Mamoru Murakami failed to investigate laws and ordinances against the criminal act of the former offender against the 37th Paragraph 1 of the Basic Law Attorney's Job Regulations and complained against the lawyers law by criminalizing the fact of the criminal offense and prosecuting It did not defend the person and did not point out criminal acts made by the former crime by unexpected accident as legal experts lawfully and promoted the act of conduct psychologically, that is, it assisted the crime.

Osaka lawyer representative lawyer Seijisaburo Ohara said that contrary to Article 55 of the basic provision of lawyer's duties, only when the affiliate lawyer Momo Murakami failed to take necessary measures to comply with the basic provisions of the lawyer's duties I can not tell you the same sin.

In addition, if the complainant pointed out the criminal facts, it was obliged that the former offender had to admit the facts of the crime, the complainant was immediately released and the case was over.

10. The judge of the former offender illegally abused the official authority which it has around July 5, 2010, and the complainant is concerned that despite the fact that no criminal offense is done and the criminal act is not carried out, the content of false employment Having provided the contract to the illegal worker who was illegally worked, it is said that criminal charges are to be considered, and due to charges of assisting complainants in arrest / detention in Ogikubo book for imprisonment by the immigration law (illegal employment due to activities outside the status of qualification) I illegally (re) detention-like claim of the prosecutor as legitimate by reason, issuing a detention letter illegally, squeezing the freedom of decision making, the complainant has no obligation, illegal arrest · The detention of the judge is a criminal offense for abusing the ex officio authority of the special civil servant 194 criminal law.

Defendant Mamoru Murakami failed to investigate laws and ordinances against the criminal act of the former offender against the 37th Paragraph 1 of the Basic Law Attorney's Job Regulations and complained against the lawyers law by criminalizing the fact of the criminal offense and prosecuting It did not defend the person and did not point out criminal acts made by the former crime by unexpected accident as legal experts lawfully and promoted the act of conduct psychologically, that is, it assisted the crime.

Osaka lawyer representative lawyer Seijisaburo Ohara said that contrary to Article 55 of the basic provision of lawyer's duties, only when the affiliate lawyer Momo Murakami failed to take necessary measures to comply with the basic provisions of the lawyer's duties I can not tell you the same sin.

In addition, if the complainant pointed out the criminal facts, it was clear that the former offender had to admit the facts of the crime, and it is clear that the complainant had been released immediately.

11. The judge of the former offender illegally abused the official authority which it has around June 24, 2010, and the complainant is concerned that no criminal offense is done, and despite the fact that the criminal case is not done, the contents are false The provision of the contract to the illegal worker who served illegally worked for complaints of arrest and detention at the Tsukishima station on suspicion of assisting a criminal investigation for violation of the Immigration Act (illegal employment due to activities other than the status of qualification) By listening to the opinion of the public prosecutor as to the detention revocation request requested by the defense counsel, by illegally issuing a notice illegally issuing a notice to declare illegal detention requested to be lawful due to circumstances and dismiss the request for revocation of detention The pressure of freedom, the complainant was caused to do illegal arrest / detention without any obligation, the judgment of the judge falls under criminal abuse of 194 special criminal officials authority.

Defendant Mamoru Murakami failed to investigate laws and ordinances against the criminal act of the former offender against the 37th Paragraph 1 of the Basic Law

Attorney's Job Regulations and complained against the lawyers law by criminalizing the fact of the criminal offense and prosecuting It did not defend the person and did not point out criminal acts made by the former crime by unexpected accident as legal experts lawfully and promoted the act of conduct psychologically, that is, it assisted the crime.

Osaka lawyer representative lawyer Seijisaburo Ohara said that contrary to Article 55 of the basic provision of lawyer's duties, only when the affiliate lawyer Momo Murakami failed to take necessary measures to comply with the basic provisions of the lawyer's duties I can not tell you the same sin.

In addition, if the complainant pointed out the criminal facts, it was obliged that the former offender had to admit the facts of the crime, the complainant was immediately released and the case was over.

12. The judge of the former offender illegally abused the official authority which it has around the end of October, 2010, and the complainant does not think any crime is considered, and despite the fact that the criminal case is not done, the content of false employment Provision of a contract to a criminal who illegally worked is a crime, illegal contents of the prosecutor illegal contents of false prosecution due to infringement of the complainant in imprisonment in the Tokyo detention center (Improper work by illegal activity due to non-qualification activities) Was judged as lawful by reason, tried court trial, oppressed the freedom of decision making, charged the illegal arrest / imprisonment without any obligation to the complainant and tried the trial.

In addition, even in the case of bail requests made by counsel on a monthly basis, after hearing the opinion of each procurator, after hearing the opinion of the public prosecutor every time, illegal contents false prosecution is treated legally and issued a notice to reject the bail request It pressured the freedom of decision making and arrested and captured without obligation on the complainant, and the judge's action is a crime of abuse of the official abuse of special civil servant 194 criminal law.

Defendant Mamoru Murakami failed to investigate laws and ordinances against the criminal act of the former offender against the 37th Paragraph 1 of the Basic Law Attorney's Job Regulations and complained against the lawyers law by criminalizing the fact of the criminal offense and prosecuting It did not defend the person and did not point out criminal acts made by the former crime by unexpected accident as legal experts lawfully and promoted the act of conduct psychologically, that is, it assisted the crime.

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In addition, if the complainant pointed out the criminal facts, it was obliged that the former offender had to admit the facts of the crime, the complainant was immediately released and the case was over.

In addition, even if the complainant has the invoice for bail request, we have the

following as well.

October 8, 2010 Heisei 22 year Special (Wa) No. 1655

November 5, 2010 Heisei 22 year Special (Wa) No. 1655

December 9, 2010 Heisei 22 year Special (Wa) No. 1655

Heisei era 20 January Heisei era 22 year special (Wa) No. 1655 number

Heisei era May 17, Heisei era 22 year special (Wa) No. 1655 number

13. The judge of the former offender (below) illegally abuses his / her official authority until June 24, 2011 from around around June 14, 2010, the complainant can not believe any crime , It was criminal that providing a complainant who was imprisoned in the Tokyo Detention Center for a criminal who illegally employed a false employment agreement despite not committing a criminal offense is a violation of Immigration Control Act During the trial due to aiding the assistance of the defense counsel's bail (below) during the trial for assisting the defense counsel, under the judgment that the false illegal prosecution facts are deemed legitimate according to the circumstances, a notice to reject the bail request It issued, pressed the freedom of decision making, charged the charges with illegal arrest / detention without charge for the complainant, the judge did the trial, the criminal law 194 special officials abuse of the misconduct of officials It corresponds to.

Defendant Mamoru Murakami failed to investigate laws and ordinances against the criminal act of the former offender against the 37th Paragraph 1 of the Basic Law Attorney's Job Regulations and complained against the lawyers law by criminalizing the fact of the criminal offense and prosecuting It did not defend the person and did not point out criminal acts made by the former crime by unexpected accident as legal

experts lawfully and promoted the act of conduct psychologically, that is, it assisted the crime.

Osaka lawyer representative lawyer Seijisaburo Ohara said that contrary to Article 55 of the basic provision of lawyer's duties, only when the affiliate lawyer Momo Murakami failed to take necessary measures to comply with the basic provisions of the lawyer's duties I can not tell you the same sin.

In addition, if the complainant pointed out the criminal facts, it was obliged that the former offender had to admit the facts of the crime, the complainant was immediately released and the case was over.

Record

Tokyo District Court Judge Masahiro Kato who dismissed the bail request

Tokyo District Court Judge Takashi Kawase who dismissed the bail request

I dismissed the appeal against bail for bail

August 31, 2010 Heisei 20 (1989)

Judge of the judge of the Tokyo District Court Hideo Yui Judge Mika Aoki Judge Kojima Sho

I dismissed the appeal of bail request

December 20, 2010 Appeal No. 719 of Heisei 22 (c)

Judge of the presiding judge of Tokyo High Court Judge Shozo Ogura Judge Okada

Kenjihiko Judge Eguchi Kazuaki Eguchi

February 24, Heisei 23 (Heisei 22) appeal against the 86th
Judge of judge of Tokyo High Court Judge Inoue Judge Tetsukazu Yamamoto Judge Moriyori Mori

May 30, 2011 Appeal No. 252 Heisei 23 (app) appeal
Tokyo High Court Judge Judge Iida Yoshinobu Judge Yamaguchi Masataka Judge Mori Mori

For the above 13 complaints (criminal facts), the following supplements the purpose of arrest and detention

Video shooting is in front of the complainant's home in Chiba City Mihama Ward, the time is around 10:30 am from 10 o'clock on the day of the arrest. Arrest is at Setagaya Police Station around 11:30. TV news is lunch news at around 12 o'clock for each company. Therefore, without information before arrest, you can not come to the accused 's home, you can not shoot illegal images before arrest, and news articles will not be put on.

Even with illegal photography combined with the police, it is impossible to broadcast the news video after video recording immediately after arrest. Obviously police officials illegally sent false information to news production companies and television stations, and they are produced under the cooperation of the police.

The news production company produces a false news video and sells it to the TV station for broadcasting, so that it is not doubtful about the acts of arrest / detention, investigation, prosecution, etc. of police officers and prosecutors who investigate the crime It made it easier to make it prejudice not only to the general public but also to the judge, and criminal acts made by police officers and prosecutors were used to promote crime by using public radio waves.

Incidentally, it is possible to prove that the promotion act of the complainant gives a prejudice to subsequent judges and illegal acts are treated as legitimate by all judges.

Because it is so much a journalist, it can be inferred that the judge judged legal investigation to have been done by the media as well, because it is so much a report that police officers, prosecutors should not be disgraced, etc. I will.

An article saying that he had earned 100 million yen or more in 3 years is still told by the meeting person, but it is totally false, it will not come out even at the police interrogation or trial. I think that it is said that life is the whole thing. The explanation of the complainant will only take it as a selfish excuse.

Because the press is not supposed to make false coverage, if it is done then it is shadowy that it is an excuse for a complainant that he will not be punished for being punished.

Therefore, the crime was planned, police officers leaked arrest information, collusion with a news production company, justified illegal arrest, promoted police officials' crime.

"What crime does not come to mind and is not doing criminal acts" For more

information, Chapter 1. I will reprint the essay of the crime of the former offender although it has been stated in the spirit of complaint.

This case is a crime prescribed by the Immigration Act. For illegal work, we will dispose of foreigners who have illegally worked in "unreported workers' offenses". It also stipulates that fair employees who illegally worked should be disposed of in a fair manner under the crime of promoting unlawful employment, which is an aid for illegal employment.

Therefore, concerning illegal employment of the Immigration Control Act, this incident must be completed by both charges. However, only the principal offender was criminalized under "unreasonable employment crime". However, they have not dispose fairly the businesses that let them work illegally under the crime of promoting illegal employment, which is a crime of promoting illegal employment. Contents As a false employment contract was submitted and it was easy to acquire the status of residence so that the former offender was able to work illegally, he made the complainant a crime of aiding the illegal employment, but as stated in the purport of the complaint in the previous chapter, It is illegal.

Traditionally, only foreigners who illegally worked were arbitrarily criminalized by "fine for illegal employment", etc., withdrawn from the country and removed from the country, and businesses that illegally worked were not disposed of as illegal employment promotion crimes, Because it is not fair under the law, it is an act contrary to international law, so foreigners must also be acquitted, but in this case the defendant suede who is familiar with Immigration Law who wants to get a hand is conspired with the prosecutor, I planned a new way to dispose illegal workers without punishing the

illegal workers by their passion.

To pretend to dispose the former offender who arrested illegally by illegal work not as a fine but also as a sentence for imprisonment as a criminal punishment, in order to pretend to dispose equally under the law, and also against international law, we made false charges In order to pretend that both parties of unlawful employment were criminalized, by making it as an assistant, I made up as a criminal of the criminal law aiding criminal law for violation of immigration law (activity outside the status of qualification). Therefore, I tried a crime of false arrest and false sending.

In addition,

The conditions for granting status of residence are unpublished, and the status of residence is the one that the Minister of Just grants at the discretion. Then, if the former offender has submitted a false employment contract and has obtained the status of residence of international or technical skills, the Minister of Justice shall, pursuant to Article 4-4 of Immigration Act 22, "cancel the status of residence Since the Immigration Control Law stipulates that it can do, there is no causal relationship between illegal employment and false employment contracts under the Immigration Control Act.

Even if a former offender has submitted false contracts of employment and obtained status of residence of technology and humanities internationally, it is self-evident that if you work within the scope of your status of residence it will not be "illegal work" .

The truth is that illegal employment has been made because the former offense worked outside the scope of residence status. That is because some businesses hired formal offenders to make illegal work outside the status of qualification as stipulated by "illegal

employment promotion crime".

Therefore, even if it is a false contract of employment, there is no causal connection with illegal employment, but it is a crime that a general public has abused by the immigration law or international law, and only foreigners are "illegal Working crime "as a criminal punishment as a criminal punishment and not only has a causal relationship with illegal work," In the argument that the tubers will blow if the wind blows ", illegal third parties irrelevant to illegal work are illegal I have made up as an assistant to work and abused the crime aiding criminal law.

Since Refco is a large company with capital of 16,492,000 yen established in October 1988, Refco is considered to be great in its impact because it has a great impact on society if it is a criminal.

The purpose of the crime was a violation of the Immigration Control Act, which could not be done by senior policemen, prosecutors, judges, by making both offenders who worked illegally and accusers who assisted criminal law of illegal work a criminal, Probably making a record that can criminalize an illegal foreigner by disposing an assistant who cancels the status of residence without first criminalizing the business owner due to illegal employment promotion crime That's why.
In fact, the Philippine Embassy staff and diplomats have been made a criminal in this manner.

In addition, the Chinese are completely false because they can not be said as assisting the cancellation of the status of residence because they have not received the

deportation even though the Minister of Justice has canceled the status of residence (Article 22-44).

Therefore, even though the complainant has not committed any criminal act, he is a criminal by a means of illegal acts, illegal means illegally pressing the freedom of decision making, the illegal arrest and confinement of the complainant It is not mere negligence but a maliciously deliberate criminal act (described later).

Because the complainant pointed out the criminal offense for the above-mentioned purpose and was a false crime, when asked for immediate release, it was inevitable that the former offender had to admit the crime and the complainant was released immediatly It is.

However, the complainant fails to investigate laws and ordinances against criminal acts made by the former offender against the Article 37, Paragraph 1 of the Basic Lawyer's Duty Rules and points out the fact of the criminal offense against the lawyers law, defending the complainant In fact, it did not point out criminal acts made by the former criminal act as unwilling to be a law expert, and prompted the act of conduct psychologically, that is, it aided the crime.

In addition, lawyer Seijisaburo Ohara, a lawyer representing Osaka Law Firm, defendant's appellant, failed to take necessary measures to comply with the attorney's professional legal provisions by Mr. Motomu Murakami, the lawyer to which he belongs, contrary to Article 55 of the basic provision of attorney's duties I can only say it and I am the same sin.

Therefore, the cause of the complainant falls under the penal code of Article 62, paragraph 1 of the Penal Code against the criminal offense of 194 criminal law officials including the 13 police officials, prosecutors, judges and others.

**Ⅱ. Criminal fact of assisting false charges of charges**

1. Police officers of formal offenses illegally abused their own authority around June 15, 2010, and the complainant is not criminalized anything, and despite the fact that the criminal case is not being done, Unlike usual countermeasures, the complainant who wants to obtain plans to severely imprisonment with violation of Immigration Control Act (activities outside the status of qualification), and to do so against contraband with international law, the Immigration Act The employer who is an assistant must be punished for promoting illegal employment, but because I do not want to be punished by circumstances, I planned to punish the complainant as an alternate assistant and punish it with criminal law, contents false employment contract To the former criminal who worked illegally, as a criminal offense, charged with complaints of arrest and detention at the Tsukishima police station on charges of invasion of the immigration law (illegal employment due to activities outside the status of qualification), etc. to the Tokyo District Public Prosecutor's Office False complaint with a false crime ) Was intended, deed of police officers et al., Is intended to correspond to the penal code Article 172 false accusation.

Defendant Mamoru Murakami failed to investigate laws and ordinances against the criminal act of the former offender against the 37th Paragraph 1 of the Basic Law Attorney's Job Regulations and complained against the lawyers law by criminalizing the

fact of the criminal offense and prosecuting It did not defend the person and did not point out criminal acts made by the former crime by unexpected accident as legal experts lawfully and promoted the act of conduct psychologically, that is, it assisted the crime.

Osaka lawyer representative lawyer Seijisaburo Ohara said that contrary to Article 55 of the basic provision of lawyer's duties, only when the affiliate lawyer Momo Murakami failed to take necessary measures to comply with the basic provisions of the lawyer's duties I can not tell you the same sin.

In addition, if the complainant pointed out the criminal facts, it was obliged that the former offender had to admit the facts of the crime, the complainant was immediately released and the case was over.

2. The police officers of the former offenders illegally abused their own authority around July 4, 2010, and the complainant did not judge any crime and did not commit a criminal offense, Unlike usual countermeasures, the complainant who wants to obtain plans to severely imprisonment with violation of Immigration Control Act (activities outside the status of qualification), and to do so against contraband with international law, the Immigration Act The employer who is an assistant must be punished for promoting illegal employment, but because I do not want to be punished by circumstances, I planned to punish the complainant as an alternate assistant and punish it with criminal law, contents false employment contract To the former criminal who worked illegally, as a criminal offense, charged with the Ogikubo Department imprisoned with arrest and detention in charge of assisting the Immigration Act (illegal employment due to activities

outside the status of qualification), etc. to the Tokyo District Public Prosecutor's Office False complaint with a false criminal name (additional Test) was intended, deed of police officers et al., Is intended to correspond to the penal code Article 172 false accusation.

Defendant Mamoru Murakami failed to investigate laws and ordinances against the criminal act of the former offender against the 37th Paragraph 1 of the Basic Law Attorney's Job Regulations and complained against the lawyers law by criminalizing the fact of the criminal offense and prosecuting It did not defend the person and did not point out criminal acts made by the former crime by unexpected accident as legal experts lawfully and promoted the act of conduct psychologically, that is, it assisted the crime.

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In addition, if the complainant pointed out the criminal facts, it was obliged that the former offender had to admit the facts of the crime, the complainant was immediately released and the case was over.

3. The prosecutor of the former offender illegally abused the official authority which it has around July 24, 2010, and the complainant wants to get a hand in spite of no crime being considered or any criminal act being done Unlike usual countermeasures, the complainant plans to severely imprisonment himself in violation of the Immigration

Control Act (activities outside the status of qualification), and in order not to contravene international law, it is necessary for the accused to assist the Immigration Act The employer who is a person must be punished for promoting illegal employment, but since I do not want to punish by the sentence, I planned to punish the complainant as an alternate assistant and punish it with criminal law, and fake a false employment contract As a crime, what I offered to an illegally worked offense was a false complaint (prosecution) to the Tokyo District Court for assisting a complainant arrested or arrested by the Ogikubo Department against the Immigration Act (illegal employment due to activities outside the status of qualification) In fact, the prosecutor 's act, Law Article 172 is intended to correspond to the false accusation.

Defendant Mamoru Murakami failed to investigate laws and ordinances against the criminal act of the former offender against the 37th Paragraph 1 of the Basic Law Attorney's Job Regulations and complained against the lawyers law by criminalizing the fact of the criminal offense and prosecuting It did not defend the person and did not point out criminal acts made by the former crime by unexpected accident as legal experts lawfully and promoted the act of conduct psychologically, that is, it assisted the crime.

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In addition, if the complainant pointed out the criminal facts, it was obliged that the former offender had to admit the facts of the crime, the complainant was immediately released and the case was over.

4. A prosecutor of the former offender illegally abused the official authority which it has around February, 2011, the accuser complained to the interrogation prosecutor despite the fact that no crime is considered and no criminal act is done The complainant who wants to obtain hands severely imprisoned the offense that illegally worked, unlike normal countermeasures, due to violation of Immigration Control Act (activities outside the status of qualification), so that it does not contravene international law, The employer who is an assistant must be punished for promoting illegal employment, but because he / she does not want to punish himself according to circumstances, in order to punish a complainant as an alternate assistant, to make it punishable under the criminal law, a false employment contract Fraudulent complaint to the Tokyo District Court for the case of a disposition requesting a disposition due to a criminal assistance of a complainant imprisoned in the Tokyo detention center against the Immigration Act (illegal employment due to activities outside the status of qualification) ) Was done, Deed of the police officer, is what corresponds to the Penal Code Article 172 false accusation.

Defendant Mamoru Murakami failed to investigate laws and ordinances against the criminal act of the former offender against the 37th Paragraph 1 of the Basic Law Attorney's Job Regulations and complained against the lawyers law by criminalizing the fact of the criminal offense and prosecuting It did not defend the person and did not point out criminal acts made by the former crime by unexpected accident as legal

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In addition, if the complainant pointed out the criminal facts, it was obliged that the former offender had to admit the facts of the crime, the complainant was immediately released and the case was over.

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5. Prosecutors of formal offenses illegally abused their own authority around the beginning of September 2011, and the complainant is not accused any criminal offense, and despite the fact that the criminal case is not done, the prosecution of the Tokyo District Prosecution According to the entrance to the officials and the circumstances, the complainant, unlike ordinary countermeasures against illegal workers, is severely imprisoned for imprisonment with violation of immigration law (activities outside the status of qualification), so it is against the international law In order not to do, the employer who is the assistant of the Immigration Act must be punished for promoting illegal employment, but since it is not punished by circumstances, it is synchronized to make up the complainant as an alternate assistant and punish it with criminal law , Contents The provision of a false employment contract to an illegal worker who committed illegal employment as a crime is a criminal offense for assisting a complainant who is bailing a bailing inspection law against the Immigration Act (illegal employment

due to activities other than the qualification), the Tokyo High Court appeal trial trial In false complaint (seeking dismissal of prosecution That where the claims), deed of the prosecutor, is what corresponds to the Penal Code Article 172 false accusation.

Defendant Mamoru Murakami failed to investigate laws and ordinances against the criminal act of the former offender against the 37th Paragraph 1 of the Basic Law Attorney's Job Regulations and complained against the lawyers law by criminalizing the fact of the criminal offense and prosecuting It did not defend the person and did not point out criminal acts made by the former crime by unexpected accident as legal experts lawfully and promoted the act of conduct psychologically, that is, it assisted the crime.

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In addition, if the complainant pointed out the criminal facts, it was obliged that the former offender had to admit the facts of the crime, the complainant was immediately released and the case was over.

Mr. Motofumi Murakami, the defense counsel's counsel, also ignored the request of the complainant to write an appeal brief pursuant to the criminal law principle at the appeal trial and understand rather than violate the criminal procedure law Nevertheless, since

the defense counsel did not point out the applicable law error, it was too late for the complainant to point out at the Supreme Court. This is also a penal code law principle.

With respect to Murasaki Murakami, the defense counsel's defense counsel, the complainant feels intentional beyond the necessity.

About the above five complaints facts (criminal facts), the following supplements the purpose of false complaint

Ⅰ. It is the same as the criminal fact of assisting the special officials abuse of their own authority.

Therefore, since the complainant did not commit any criminal acts, he made him a criminal with a means of illegal acts, so the illegal false charge of the accused was not mere negligence but a vicious and intentional criminal act (see below) is.

Because the complainant pointed out the criminal offense for the above-mentioned purpose and was a false crime, when asked for immediate release, it was inevitable that the former offender had to admit the crime and the complainant was released immediatly It is.

However, the complainant fails to investigate laws and ordinances against criminal acts made by the former offender against the Article 37, Paragraph 1 of the Basic Lawyer's Duty Rules and points out the fact of the criminal offense against the lawyers law, defending the complainant In fact, it did not point out criminal acts made by the former

criminal act as unwilling to be a law expert, and prompted the act of conduct psychologically, that is, it aided the crime.

In addition, lawyer Seijisaburo Ohara, a lawyer representing Osaka Law Firm, defendant's appellant, failed to take necessary measures to comply with the attorney's professional legal provisions by Mr. Motomu Murakami, the lawyer to which he belongs, contrary to Article 55 of the basic provision of attorney's duties I can only say it and I am the same sin.

Therefore, the act of the complainant falls under the penal code of Article 62, paragraph 1 of the Penal Code against the criminal law 172 false charges filed by the former offenders, including the five police officers and prosecutors.

**Ⅲ. Malicious deliberate criminal act (about the intention of the complaint)**

**1. If the wind blows, Okaya will make profit The conclusion of the formula It is frightening the theory of assistance due to the aggressive causal relation with existence.**

False complaint of the former criminal offense The purpose of the crime of arrest detention and detention,

By accusing the complicity with the accomplice of the accomplice of the accomplice, providing false employment contracts to the offenders who illegally worked,

The former criminal was able to acquire the status of residence. The proper criminal was able to stay in Japan because the status of residence was obtained.

Since I stayed, I was able to work illegally. Therefore, it was considered as a crime that

committed the assistance of a violation of Immigration Control Act (illegal employment due to activities other than the status of qualification).

The causal relationship that is the reason is a clearly deliberate crime that apparently deprived the applicable law illegally, deviating largely from the intent of the Immigration Control Law, even the logic of assistance guilty.

If such a "wind blows, Okaya profitable" argument is permitted, I was able to work illegally because I was able to stay. The part of that, because he was able to stay, so that he could kill himself, it can also be a crime aid for murder charges.

The Chinese were able to stay in Japan because of their status of residence. I was able to borrow a room in the apartment, so I stayed in Japan. Because I stayed, I was able to work illegally ... I could kill myself because I was able to stay ... All the crimes that it takes to be able to stay can be a crime for assistance.

Of course, because it is an assistance criminal act, we have to be intentional, but since we have decided the conclusion, we can make as many deliberations as we intend.

Even in this case, Kim Military says that we transferred the share of remuneration (reward) to the bank.

The complainant did not provide the false employment contract to the former official, but because he was unable to recruit regular employees in April that was scheduled for Lehman shock, he was canceled.

If there is no Lehman shock, the complainant can adopt it, if dispatched, it can pin the month about 100,000 yen a month, so if you are an industry person, you can understand immediately that it is not necessary to adopt false recruitment . However, since special public officials are paid by tax, they do not understand business sense at all.

So, the complainant is a special civil servant who is unaware of changes in the economic situation such as the Lehman shock and so decides the regular employment contract as the false employment contract.

With this, I made up the material for the conclusion, but since I am an assistant sin, "willful" is needed.
So, pay attention to receipt of gold meddling brokerage business, rewards for reward.

Since recruitment staff entrusted with recruitment are in an advantageous position, acceptance of reward will occur naturally in Chinese culture. Although this impression is not impressed, it is natural in Chinese culture, rather in Confucian culture, it is the same feeling as a reward for matches.

It is the same as not being able to work without bribery in the Chinese business. Of course, it seems immoral to respondents who do not understand Chinese culture, even those who have never read a thesis. So, we make up that some of this remuneration has flown to the complainant.

Before the arrest, the accused 's police officer goes to reconnaissance at a Kin Gungaku

school store and knows that he is doing brokerage work, and since the shop is a big eater with several employees, I understand that it is necessary to spend over 10 million yen to open a store.

Of course, this money is from funds for brokerage work, but even if we sum up all the rewards from four people it will not be 10 million yen. However, we forcibly make up intention to forcibly flow to a complainant partly. In addition,

Prosecutor Mai Nakano also insisted that in the trial prosecutor Nakano Mai is "Kin Gungaku" that is credited with the name of "Kin" from the record of ordinary deposits deposited in Lefco.
Chinese say that it is not 100% to make a bank transfer with only "last name". I am not even a Japanese.

We also say that it is absolutely impossible to transfer money of remuneration (reward) to the bank, but police officers, prosecutors and others applied their own lifestyles to Chinese as they are.
However、Police officers, prosecutors, etc., thank you for mediation, medal, gifts, by bank transfer,Moreover, it was a shock to say that we are going only by "family name".

The complainant seems to have felt that as a result of looking at arrest warrants and indictments, the relationship of provision of false labor contracts is linked to illegal employment as "the way the wind blows," the reason is that Tablo is profitable, why cause causation If I pursue whether it will become or not, I think that the trick of cancellation of the status of residence is also found, so I feel the willingness beyond the

unexpected accident.

If the complainant points out criminal facts, it is inevitable that the former offender must admit the facts of the crime, the complainant is released immediately, and it is obvious that the case has ended You can prove it.

The complainant can not question why employers (restaurants) are not arrested for promoting illegal employment, even if a person who provided a false employment contract issued a penal code for criminal law, pursuing a complete criminal offense before trial Not, I feel willfulness beyond the unexpected accident.

**2. Unwillingness**

I did not know the existence of the status of status of residence, the cancellation of the status of residence of the Immigration Control Act (Article 22-4) and the crime of promoting illegal employment (Article 73-2), because I had forgotten, so excusing that it was mere negligence The

As a lawyer handling immigration cases related to illegal work, doing duties without neglecting laws and ordinances such as the purpose of the Immigration Control Act, the creation of related provisions, the purpose of amendment and its contents,

Because it is said that it is fully recognized in terms of the nature of the duty that an application error law can not be pointed out, a human rights violation that can not be irrevocably performed, and a victim is dragged down to the bottom of society is a disastrous result, so " You can say that.

Also, if a lawyer handling a violation of the Immigration Control Act says that he did not know the Immigration Control Act, it is not permissible because he does not form a body as a state of law.

Since the lawyer did not know the law,

People can not live with peace of mind if we adopt a mistaken application law.

Failing to investigate laws and ordinances contrary to Article 37, paragraph 1 of the Attorney Duties Basic Policy, failing to defend the complainant against the attorney's law against the lawyer's law against criminal facts of the former offender, the criminal acts made by the former offender with unexpected accidents as legal experts It did not point out as legitimate as pseudo, promoted the act of conduct psychologically, that is, it assisted the crime.

If the complainant points out criminal facts, it is inevitable that the former offender must admit the facts of the crime, that the complainant or financial military academy is released immediately, and that the case has ended is self explanatory You can prove it from.

**3. Deliberate on the aiding action of the complainant**

Murakami, a complainant, is in contact with several copies of the Immigration Act on the evening of the day when the complainant was arrested. Immigration law itself is a small law.

If you read a few times, even if you read over a few hours, legal survey can be more than enough.

Since this case is not a dispute of facts from the complainant but a contest for criminal law,

If we abide by the basic rules of lawyer's duties, no tragedy such as subsequent trial, prison sentence or the like occurred.

The accused's assistant for illegal employment is only a crime of promoting illegal employment.

In order to obtain the status of residence, the Immigration Control Act has conducted a fact investigation as necessary and the status of residence has been granted,

Even if you do wrong, it is a cancellation of your status of residence. Listen to allegations such as alike, carefully perusal the immigration law,

If you are listening to the experts who are familiar with the Immigration Control Law,

It is the reason for the arrest of assistance for illegal employment made by the former offender,

The application law mistake that the arrest reason for cancellation of the status of residence of the immigration law (Article 22-44) was immediately discovered.

By focusing on police and prosecutors' claims, they moved on time lag in crime constitution requirements of assistance crime,

I did not listen to the prosecutors' argument as procedural theory.

The complainant is a general education level about law, but from the age of salaried workers, in the trade of China, I went to the Ministry of International Trade and Industry and received guidance from professional officials and the like and checked related laws so as not to violate it. Even in corporate management, we are paying attention to

compliance as legal compliance as a preparatory company for publications, attending seminars of experts such as the Commercial Law, and similarly confirming and practicing commercial laws.

Since I have also been practicing while checking on the Immigration Control Law by teaching at the immigration counselor, etc.,

In practical terms, I think I understood from a lawyer (Murakami). So I asked that I would like to have the Immigration Control Law and the Immigration Control Bylaw into the Tokyo Detention House, but only the detailed rules were put in.

This habit is due to the complainant being a computer engineer.

To understand, I had to read vast amounts of manuals that could reach the ceiling many times, because I could not learn related skills, OS, language, etc. first. And since the complainant was a system engineer (SE), application design in internal checking was to make basic job rules and detailed rules. It is because we know well that it is necessary not only to make regulations but also to carry out in daily duties.

If the accused were humbly carrying out their duties according to the Lawyers Law and the Basic Lawyers' Duties Regulations, the applicable law error was easily found and the complainant was arrested for assisting the illegal employment made by the former offender That is the reason,

I pointed out the mistake of the applicable law, with the revocation of the status of residence of the Immigration Control Act (Article 22-44) as the reason for arrest, making a claim of the penal code law principle, making legitimate legal procedures in the position of a defense counsel It is self-evident that the complainant was released soon.

By criminal acts made by police officers, prosecutors, special public servants of judges Only lawyers can legally open up arrest / detention without any obligation.

The reason for arrest is the rescission of the status of residence of the Immigration Control Act (Article 22-44)

Applied law If you missed the mistake if you make an excuse of negligence, as long as this negligence does not occur if you properly conduct the investigation of necessary laws and ordinances as stipulated by the Attorney Law and the Basic Regulations of Attorney Duties Yes.

Do not comply with the Lawyers Act and the basic rules of attorneys 'duties is a natural result that should have occurred and, like accidents caused by drunk driving, lawyers do not comply with the Lawyers Act and the basic rules of attorneys' duties, It is an unexpected incident that is visible.

In addition to not observing the Lawyers 'Law and the basic rules of attorneys' duties, the fact that the defense experience of criminal cases is small is not confident in the defense of criminal cases, there is no legal mistake in the reasons for arrest of police officers and prosecutors With prejudice,

As a consequence what we met with police and prosecutors investigation can only be said to have supported police and prosecutors' investigation.

This is in contact with the prosecutor (Tokunaga) a couple of days after the arrest, but refusing to release it because it is not meaningless as the prosecutor (Tokunaga) says, "There is no trial" It can be inferred also from not taking the countermeasure. In the system industry of the complainant, these conversations are said to be "not logical", but this is a meaningless conversation that we have adhered to the prosecutor and I do not

think that it is a decent defense activity.

Ohara I heard that there are about 20 lawyers at law firm,

As no one was able to defend with criminal law principle.

Everyone does not comply with the Lawyers 'Law and the basic rules of attorneys' duties.

Lawyers (Murakami) and Ohara Law Firm,

If the experience of defense of criminal case is not few and confidence is not obtained,

Although we should ask other light attorneys offices and judicial scrivener for assistance to the Immigration Control Act,

Think about the duties of lawyers easily, do not defend defense lawyers 'laws and lawyers' basic rules,

Nevertheless, I was compelled to investigate the police and the prosecution by formally defending lawyers in violation of the law and the law.

Even at the Tokyo Detention Center, we explain to Murakami Murakami about Mr. Murakami on Article 22, 4, 4 of the Rescission of Status of Residence, 2 of Article 73 of Crime for Promoting Illegal Employment, and investigating facts.

However, because the complainant has been arrested and captured, it can not be explained in detail because it is out of order every day. I can not remember how many articles. Since I can not remember the principle or by-laws, I requested to insert it because it is an old Six Law, but what I received was the detailed rule printed from the Web.

If it is bailed, I feel frustrated because I search for it myself. To be arrested and confined is to say like this.

Even at the appeal trial, at the time of the meeting in July, I tried to talk a little about the theory of law, while I was in poor condition, but I did not hear to go and go, "I am special in law theory." Sure enough, the application law misrepresentation did not mention the applicable law error. I got a lawyer 's appeal brief, but I was not in a state that I could not read because I was in poor condition.

In addition,

So, since the appellate brief has exceeded 170 pages I wrote with a thought of dying, I did not remember how many times I vomited. I thought that I really would die.

Appeal bidding letter was sent to Mr. Murakami many times by mail. Then I asked him to write me with my e-mail.

Murakami thought that I would not write out the appellant's intentions and thought that I was going to call her mobile phone, but I thought that I would die, so I thought it would be a must-have work at least, December 5 is due deadline It took it to the Supreme Court at the end of November.

Of course, because the applicable law error is not a matter of deliberation, we tried to reverse the original court ruling, whether it was a high court ruling or not, by violating the Constitution, but it was just empty.

Murakami, why did not you think it was strange?

Illegal work can not be done alone. In other words, because there are people to hire, they become illegal workers. I can understand such a thing as an elementary school

student.

If so, did not you have any doubt why the employer was not arrested? I should have known about the principle of equality under the law

If you pay attention to the indictment, you can infer that the causal relationship is the logic of Tabui profit if the wind blows, but I do not know exactly.
If you check with the public prosecutor, the direct cause-and-effect relationship of illegal work is the one who submitted the employment contract of false contents, the former offender got assistance from that assistant so that it is a crime of illegal work You should have a doubt and feel criminality.

I believe that at least Murakami lawyers have intention over unexpected accidents.

The acts of defendant appellants who are lawyers, in response to the acts of police officers, prosecutors, judges, etc. constituting criminal acts,
It is obvious that not doing the basic duties as an attorney without complying with the Lawyers Law and the basic rules of attorney duties psychologically encouraged police officers, prosecutors and judges making crimes psychologically, Yes, it corresponds to an assistance crime.
Also, because it loses the trust of the lawyer system, it can lead to the collapse of the justice system, so severe disposal is necessary.

**4. Is it possible to cancel the status of residence?**

A lawyer who is the accused is reported to the Tsukishima police station that he was visiting a public prosecutor (Tokunaga) a couple of days after being arrested. In response to the release request, when the prosecutor releases the prosecutor, it says, "I say" I have no trial ".

What is it! There is no definite answer though "I mean that there is no trial".
I do not quite understand the meaning that "trial is not held" in the criminal law,
Lawyers who are complaints dismissed evidence and ...
But the Chinese are being arrested, are there evidence hiding?
Although I have no choice to discuss with a lawyer, I realized that it is misaligned.

The lawyer (Murakami) talked about the logic and procedures of the law of immigration law.
I was only listening, but I just disputed one thing. "It can not be helped to say the procedure method." I did not understand what I was saying.
Is it the procedure law to conduct the status of residence qualification review with the right to investigate facts by granting status of residence?
Is it legal proceeding that the Minister of Justice grant status of residence at the discretion?
Is the Minister of Foreign Affairs prosecution method to grant immigration visa at the discretion?
Is administrative punishment for cancellation of status of residence proceeding law?
There are no provisions of laws for qualification provision conditions and so on, the ministerial ordinance and the section manager 's discretion are the same, but is the procedure method?

Is administrative punishment for cancellation of status of residence proceeding law?

The complainant has never taken the bar exam, so I do not know.

The complainant thinks that the complainant has more willfulness than the unexpected accident.

**5. The Immigration Control Act violation (activity outside the status of qualification) incident is not an unusual case. The unwillingness of a lawyer is abnormal.**

As a fact, the police detention center charged with a complainant was overflowing with an arrest of illegal work. It is not uncommon for illegal stay for over 10 years. In many cases, we will not dispose of employers without even arresting illegal employment due to passion, so among illegal foreigners who are illegally working, illegal residents usually do not carry out criminal treatment, is.

In many cases, the regular staying qualifications are illegally made to criminalize themselves against fairness against the law under the law and to arbitrarily move away from the country. However, in this case, because it is a regular staying qualification, in order to get a hand in imprisonment with a fine sentence as a penalty punishment, the conditions for granting a status of residence are not stipulated by the law and the Minister of Justice is unpublished granted Despite being awarded at discretion on the condition, the content is extremely malicious crime that applied fraudulent employment crime by forming false assistants with the provision of false employment contracts making it easy to obtain status of residence is.

As an aside, I think that I saw the following article if I read the newspaper every day.

Osaka 's Chinese girls' international student worked as a hostess, was arrested for illegal employment of activities outside the status of qualification, falls under the "cancellation of status of residence" so it was administrative disposition of deportation,
This international student rare trial.

As a result of the trial, the disposition has been canceled and won.
It is not ordinary rule but ministerial ordinance that we decided not to work in customs on study abroad visa.
Moreover, the reason that the academic achievement also often interferes with studies has been rejected.

The conditions for giving a status of residence are not stipulated by law and can not be said that it was privately held at the discretion of the Minister of Justice and did not facilitate the status of residence, and I also know that the submission of false documents is administrative penalty for deportation, 100 is also aware that criminal facts are the reasons for assisting "cancellation of status of residence", with the primary criminal as the reason for arrest, and the criminal attitude of abusing the official abduction of the primary offender dealing with the Immigration Act is a clear intention (recognized negligence) .

A judicial police officer (Kaori) who thought that it would be released due to non-prosecution during interrogation said,
From now on, if you do not understand by the Immigration Control Law, please ask the

police.

Where I do not understand, I have a specialist so I will listen and teach.

From this also police are familiar with Immigration Control Law and are clearly deliberately calculated.

A young prosecutor Tokunaga who conducted investigation,

During the interrogation, when the complainant says that no criminal charges under penal code - of - law principle,

"I am a great person Who believes you, no one believes what you say"

"I am great, I can do it even if I am fine if I admit it, I can imprisonment if I do not approve of it"

"I am great, many Chinese will not be charged or will be sent to the immigration penalty with a small penalty and I will make a fine if I acknowledge you."

It is certain that no one believed it, but also from this it was deliberately calculated.

However, it is because lawyers, law experts who are law experts, that we can not see the crime are unreasonable accident, just did not check the immigration law "Reset of status of residence".

I think that there are no judges, prosecutors, lawyers who memorize all the laws.

So the stakeholders are opening the Six Laws each time and checking related laws.

Since the police officer, the prosecutor, and the judge must always investigate the applicable laws and arrest them, it is no doubt that the applicable law is correct and it is easy to consider the case without taking time, efficiently It is a defense.

It is abnormal as a counsel. It is a crime that loses trust in lawyers without even observing the basic rules of lawyers' duties.

## Chapter 3. Annotative explanation

### 1. Mission and duties of lawyers lawyers

Chapter 1 Mission and duties of lawyers

(Mission of lawyers)

Article 1 A lawyer who is a complainant is responsible for defending basic human rights and realizing social justice.

(2) A lawyer who is a complainant shall perform its duties in good faith based on the mission set forth in the preceding paragraph and strive to maintain social order and improve the legal system.

### 2. Basic Lawyer's Duties Regulations

(Investigation of laws and regulations)

Article 37 A lawyer who is a complainant shall not neglect the investigation of necessary laws and regulations in the processing of the case.

2 The lawyer who is the accused will endeavor to investigate necessary and possible factual relationships in processing the case

(Measures for compliance)

Article 55 In cases where multiple lawyers together with a law office (except when it is a law office of a lawyers corporation) (hereinafter referred to as "joint office" in this law office), the joint office A lawyer with the authority to supervise the attorney to which he belongs (hereinafter referred to as "affiliated attorney") shall endeavor to ensure that the attorneys in charge shall take necessary measures to comply with these regulations.

3. Lawyer Moto Murakami and Ohara Law Firm (Kojimachi) to which the attorney belongs

Lawyer Moto Murakami is an introduction of Odagiri Clan, a corporate attorney at a complaint company (Lefco).

Ohara law office seems to have about 20 lawyers.

Lawyer Odagiri Clan was affiliated with Ohara Law Firm and heard from NO 2 and Shoichi Yoshida

Shoichi Yoshida is a director of Lefco, Inc., and when he was previously a Managing Director of the Digital Research Institute of Japan (JDL)

In the relationship that lawyer Odagiri climb was making a lawyer,

I made a contract with Lawyer Odagiri as a preparation for the public offering of Lefco Corporation.

The complainant contracted with lawyer Moto Murakami as a member of Ohara law firm.

A defense agreement with lawyer Moto Murakami,

Notation of lawyer Moto Murakami only, and lawyers Moto Murakami and Ohara law office name was stated

There are things

Attorney Odagiri Climb is a lawyer who does not dodge the contract.

Payment to lawyer Odagiri clan was "Odagiri Higashi" account.

I think payment to lawyer Moto Murakami is 'Mura Murakami' account.

Although attorney Odagiri Climb is a defense counsel only in the trial of the Tokyo District Court in the case of the complainant,

Lawyer Odagiri Climb does not detect criminal, but said that if it becomes spiritual force of complainant,

I am naming a lawyer.

Lawyer Moto Murakami is the representative counselor

The complainant asked me to respond as Ohara Law Firm.

A lawyer (Murakami) sometimes said something like listening to the opinions of members of the office

**Chapter 4. Supplementary explanation of case**

1. History of the incident

The accuser Yasuhiro Nagano was arrested on Sunday, 14th June 2010 at the Setagaya Police Department of the Metropolitan Police Department of the Metropolitan Police Department of the Metropolitan Police Department on suspicion of assisting illegal immigration by the Immigration Act (illegal employment due to activities outside the status of qualification).

After being taken the record, it was detained in the Tsukishima book around 8 p.m.

A lawyer (Murakami) came into contact with me at around 10 o'clock on the same night.
A lawyer who is the accused is a copy of the arrest warrant? And a copy of the immigration law and explain the reasons for the arrest. The first is the fact of withholding service created at home search.
The other is a crime aiding criminal law which created a false employment contract.

Lawyers who are complaints can admit that facts of withholding taxation services are facts.
The complainant said that he would accept it.
Tax withholding service is a fact. But it is not a violation.
It is used as circumstantial evidence that created a false employment contract.

For another criminal assistance criminal law,
Lawyers who are complaints have found that the time difference between the time to create an employment contract and the time of illegal employment,
I think that it was the logic that it does not fall under the constitutional requirements of assistance crime,

The complainant thought that there was only an illegal employment promotion crime for assisting illegal employment,
I did not understand the logic of assistance by time counsel as advocated by a lawyer.

The complainant has heard that the false employment contract is different and that the false employment contract is found in the fact investigation and that the primary offender is arrested for illegal employment.
Even if it is false, the former offender is only administrative punishment, so why say what is the assistance sin?

Lawyers just let's fight. Because I said that I expected.

The complainant explained to the lawyer (Murakami) about photography of the television news in the morning, as a illegal photographing, we also request the appropriate countermeasure, but Odagiri attorney at the same office got TV news I talked about what I saw and there was no explanation for my request.

The complainant tells us that they have not violated the Immigration Act of the Immigration Act in preparing false employment contracts and ask them to release them as they are illegally arrested. The lawyer who is the accused, saying, "Let's do our best" and will return as it is this day. The complainant was convinced that he was going to return soon as he was arrested illegally.

A lawyer who is a complainant will report to the Tsukishima station that he has met with the prosecutor (Tokunaga) on the 2nd and 3rd.

In response to the release request, when the prosecutor releases the prosecutor, it says, "I say" I have no trial ".

What is it! There is no definite answer though "I mean that there is no trial".
I do not quite understand the meaning that "trial is not held" in the criminal law,
Lawyers who are complaints dismissed evidence and ...
But the Chinese have been arrested and have evidence hidden?
Although I have no choice to discuss with a lawyer, I realized that it is misaligned.

Lawyer (Murakami) told the logic of law of immigration law, but I was only listening,
I have argued only one thing. "It can not be helped to say the procedure method."
I did not understand what I was saying.

Is administrative punishment for cancellation of status of residence proceeding law?

June 23 of the second interrogation (first arrest)
From prosecutors, it is funny, you said that you did not receive any money at the last time, saying that you received 300,000 yen, so the complainant "Do you take fried legs?" Finally, from the body, words ceased to come out, and on this day, I could not utter a word any more, and I fell into a silent state. After all, at this time there was no preparation of the record and it was returned.

I think that it is probably June 30th after this. A lawyer (Murakami) came to Tsukishima and tomorrow, I was told to go to a prosecutor.
The complainant tries to talk, but I talked about the physical condition such as the fluffy

floating in my head, I felt sick, but I said I'm going because I say going.

The third interrogation (first arrest) July 1

A car picked up from Setagaya Department arrived, one from Tsukishima Station, went to the prosecutor by car. About two and a half hours with the public prosecutor, we got a conversation by the prosecutor 's guidance.

Perhaps, a lawyer (Murakami) came within a couple of days after this, so I told the contents of the interrogation.

Even after being arrested again, on that day a lawyer (Murakami) came in contact with the Ogikubo book.

Since interview with the house is prohibited, I complained that the lawyer (Murakami) bought underwear, so he complained about the arrest of re-arrest and why he would be re-arrested.

In addition, the complainant said that someone wants to realize the criminal justice principle, and said that it is unnecessary to change underwear.

Prosecution. I wrote back from the time of arrest as I put a report paper on the law office so that I could make notes of the police interrogation.

While passing the memorandum, when I gave the memorandum I wanted a new memo (report form) instead, I was stunned because it was said to me (Murakami) to be a bride.

I also filled out a lot of notes and mailed it, but I also say "I say reading."

However, I will not submit memorandums written at all in court.
It seems that the prosecutors said that they would give me time to read.
Lawyers also have not read it. I thought it was a waste of time to read.

So, at the time of interview, verbally saying, I had a bad face, "Because I hear my story", I also gave up oral things.

In the detention house, you should not tell each other the name, address etc etc, and it is prohibited to make it a memo, but say the name of the person and those who are accommodated in the same room person or exercise (real smoking) time The conversation with is free, so a lot of information comes in.

As a lawyer (Murakami) has few contacts, a detainee with a lot of interviews with the attorney consults the lawyer about the complainant.

It is unlikely that the lawyer (Murakami) 's skills are likely to be low as a result of the story, so it is not a great sin because it is at most as a violation of the Immigration Control Law, and being arrested saying that he made a false employment agreement I have never heard of it. I guess it is a false charge.
However, if denying as it is, the foolish prosecution will surely bring it to prosecution and will bring it to prison even for half a year or even a year, so once accepted here, after being released, requesting a retrial by unfair arrest, officially It was easier for myself to physically and physically dispute, and I could continue with my work so that he

recommended me to make false reconciliation soon.

To the lawyer (Murakami) who came in contact with the Ogikubo station around 7:30 pm when he took a second interview after re-arresting this,

To the contrary, I can not do such a thing. If so, I will go down counsel.

The complainant can get off. It says to dismiss.

A lawyer (Murakami) shouted loudly to hear it in the Ogikubo station while saying, "I say to my wife," "my wife says good," "I can not say that my wife is good," and,

After all I said "I say that my wife is entrusted" later, I could not dismiss a lawyer (Murakami).

After the maturity release, the complainant has this in his roots, he says he did not say such a thing when blaming his house.

Lawyer (Murakami) will eat logic of the law of criminal law,

I will not opponent saying that I am prosecution law as to promoting illegal employment promotion and residential status qualification.

Also, we do not hear the law logic saying that the complainant is specialized, so there is no trust in lawyers (Murakami).

After the indictment, from the detainee, if you do such a thing,

I was told by the Minister of Justice to write a petition,

In order to make the false reconciliation mentioned above, I wrote a petition to a judge, a prosecutor.

Contents, because it admits the crime, is the content of bail.

If this is passed to a lawyer (Murakami), this is not the content that admitted the crime.

Because it was charged with it, it was dismissed saying that there was not a place to go until the judge and the public prosecutor were decided.

Because the indictment was filed, since the ban was canceled, my wife has come to have underwear and living room clothes, so I feel better.

Also, as the Rupo lighter came to visit, there is no doubt that it is a false accident, so we say that we will fight together,
Since my husband and I disliked the noises in the media any more, eventually we will have no relationship with them.
A lawyer (Murakami) will come to the Tokyo Detention Center, but because the logic of the law is fundamentally different, ask the bureau to submit a bail monthly as advised by staff of the Tokyo Detention Center.

As a complainant, only bail requests are the only wish as a Japanese.
Someone will notice the criminal law principle!

The district court is always the result of pushing.
Since you can understand that bailing extremely fears of fighting with criminal law principle,
I will give hope to the special appeal to the high court.

Because the high court is a three-person council system, I was hoping that anyone would want to notice the criminal justice. A lawyer (Murakami) told that the special appeal to the high court wanted to seek bail on legal theory. However, there was no

judge who knew the criminal justification as anyone as a result.

I really understand the desperation of false death row prisoners.

The usual trial contests fact facts. However, this trial contests the criminal justice principle.
It seemed to go crazy whether why illegal acts contrary to the Constitution and the law, even if it did not stop abusing the right by the authority.

It still does not change. "I am great" or "accept in general theory"
It is necessary for international society to stop stopping the abuse of rights by justice.

The trial starts, so I was a lawyer at Lefco,
I will add an elderly lawyer (Ono Kippo) of the same Ohara law office to a lawyer.
A lawyer (Ono Doomi) said that the complainant does not go to detectives.
I have never done it, but saying that it would be good if the complainant got easier,
Although he attended a couple of times to trial it was disappointing.

The complainant wanted me to work as an Ohara law office (Kojimachi), and was intended to check on lawyers (Murakami), but lawyers who are complaints in the judicial system of Japan can be used for any purpose I understood that it was not standing. Also, I realized that no matter how many people (30 people) the law firm is merely a lawyer's rental organization.

If you are unwilling to ask the law office to defend the criminal law principle,

I understand that the citizens of Japan are below the citizens of North Korea.

According to the trial, the complainant said to a lawyer (Murakami)

A prosecutor (Mai Nakano) was in violation of the Attorney Act (Note 3), there were scenes where the judge stopped.

After this, at the interview hall, the complainant was criticized as "I said that I did not say"

There is no proof that I said not to say! Lawyer contacts should also be visualized!

After that, I decided not to talk about not to say. It just gets miserable.

So, I focused on law theory.

What I am writing here is because there is no evidence to write such things.

However, defense of a lawyer (Murakami) is not defending with the criminal law principle.

Because we are complying with the abuse of the authority of the police and the prosecution, we will assist you.

While in detention, I mailed a note that wrote the facts of the case and the criminal justice of the complainant,

Mr. Murakami ("Murakami") is "I can read this to the complainant!" I was disappointed.

A lawyer (Murakami) says that the statements of police and prosecutors' statements are all (witness statements of others).

I was disappointed.

After the first instance judgment (1 year and a half imprisonment, fine 1 million yen imprisonment)

A lawyer who is a complainant will leave saying "the complainant is in a first trial" and "appeal is done" at the interview room of the Tokyo district court.

The complainant was pleased.

However, I will soon enter the Golden Week. I have to find a lawyer.

Write a letter in the house, write a letter to an acquaintance and ask him to look for a lawyer.

I want to appoint a lawyer at the Tokyo Detention Center, so I will ask you what to do,

It is rejected by saying, "The detention house is not a lawyer introduction place." I still can not accept this subject.

As you are doing, you will be asked to submit attorney letters from lawyers from detention centers.

I will be impatient. In the meantime, a letter comes from a lawyer (Murakami) that "Petty officials will continue to take charge of defense of the appeal trial".

Among them, a letter comes from inside my house, "Murakami sensei will continue to defend."

With the body being imprisoned, I can not do anything, my tears were in a polo polo and it did not stop. It is regretful tears.

The wife who comes to the detention center is always fighting that he does not

understand the feelings of the complainant. I gave up because I was disgusted with the support of external humans with disgust.

My son also came to visit, but he did not understand the feelings of the complainant.

It is this kind of thing to say that being arrested and confined by authority.

All basic human rights are deprived.

It is meaningful that judges (Okabe Goja) and others do not bail the complainant.

I can not let him even think of electing a lawyer.

Lawyer (Murakami) is a good partner for judges (Okabe Go and others) because skill is low.

When the handover to the judge of the Tokyo High Court was over, it was released on June 24.

How does the situation change?

Is there a danger of destroying the evidence, the situation may change if the judge or the prosecutor changes for the risk of escape?

It is a story of Ahona at all. Abuse of official abilities is also good.

But this is the authority of the judge, so I can not say anything.

The complainant was bailed out on Heisei 23 ___ 24, but the condition was greatly destroyed by the detention for more than 1 year,

At the beginning of July 2011, an appeal meeting with Murakami Lawyers at Ohara Law Office in Kojimachi, Tokyo,

I was weakened enough to get my aid in the house, so I could not give a detailed

opinion, but insisted on the logic of the law. However, since the law of law says that non-complainant (Murakami) is specialized, we did not keep up with it, so it is an appeal brief not to be different from the purpose of complainant.

Applicable law errors are claimed by the appellate court, but the complainant did not state my claim of application law mistake.

The trial of the appeal trial ended in about 10 minutes.

I remember that the complainant 's argument (criminal justice) was not discussed, but I did not expect it to a lawyer (Murakami), but the judge of the Tokyo High Court had a charge of indictment and first instance From the trial record of

I was hoping that it would be clear that it was a judgment against the penal code-law principle clearly, but I was disappointed in the judgment.

In the Japanese judicial system, I thought that there is no penal code law principle.

So, I decided to prepare a preliminary bidding letter myself.

After the judgment, when filing the petition of appeal, lawyers (Murakami) called "do not put out", but they broke up fighting, and the complainant submitted. Of course, the physical condition was bad, it was creating while vomiting occasionally.

The Supreme Court aimed for remand to the High Court or the District Court, but the claim of the accused (Crime Statement of Criminal Procedure) falls under the deliberations matter of the Supreme Court (constitutional violation, case violation, serious factual misunderstanding) It is merely an application error. Because the Criminal Procedure Law is also a criminal law, it has only to cry.

Criminal justice should be claimed at the first instance. Even if you make a mistake, you should argue in the appeal trial.

Lawyer (Murakami) in the complainant 's claim (guilty - based legalism), at the time of the original court appeal, appeal trial discussion,

Such a thing, "It is" is an opinion "It is the end! Because it says "It did not become a talk.

2. Appeal trial

A complainant bailed on June 24 from the Tokyo Detention Center, in early July, the complainant went to the Ohara Law Firm (Kojimachi), the complainant, under the auspices of the complainant's in-house body, and a lawyer (Murakami) I made an appointment with the appellate trial, but I could not do anything about me being in a good condition. Yet, the complainant tells the complainant the logic of the law but he did not hear to say, "The logic of law is specialty."

Approval brief is mailed from lawyer (Murakami) around mid-July, but there is absolutely no physical or mental leeway to peruse perfectly.

Despite being illegal arrests not based on the penal code law principle prescribed in Article 31 of the Constitution,

We clearly neglect the investigation of necessary laws and ordinances as stipulated by the Basic Regulations for Attorney Duties (Note 4)

Do not defend the complainant claiming basic human rights such as Article 31 of the constitution prescribed by the Attorney Law (Note 3)

The lawyer who is the complainant ignores the request to insist on the application law error by the complainant under the Immigration Control Act,
He did not legitimately defend the complainant with a criminal justice, but merely welcomed the act of a prosecutor who constitutes a criminal act.

We do not assert any legal opinion that the counts (criminal facts) are revocation of the status of residence of the Immigration Control Act (Article 22-44) and that it is a mistake in the applicable law not to assist illegal employment It was.
If it is argued in the appeal brief that the application law is not a reason for assisting illegal employment, the judge asserts that it is a false accusation and will return to an innocent judgment or the original court, It is obvious that it was ordered the prosecutor to withdraw the prosecution by the penal code law principle, and that the trial was over.

Although a trial was held in early September, a lawyer (Murakami) could not answer the question of the judge, and the judge told the complainant to explain, only the memories which ended in about 10 minutes Absent.
After that, I got an explanation from a lawyer (Murakami) at the Bar Association Hall, but I feel bad and I hardly remember it.

**Chapter 5 Damage of the complainant**

Defendants' complaints, insulting the law of Japan, malicious false charges and abuse of authority,
The complainant received a prison sentence of 1 million yen for a year and a half imprisonment.

Arrested and arrested on June 14, 2010, bailed on June 24, 2011,

She was imprisoned on March 5, 2012 and made a maturity date on March 19, 2013.

And the complainant loses physical suffering, mental suffering, social trust, makes the company bankrupt,

And as a result of arrest, long-term detention, etc., as a result of losing all credit, property and income etc, such as bankruptcy of the public offering company, disappearance of opportunity of patent registration, owning of owner's house, payment of joint guarantee obligation of the company It became it.

My wife and child also suffered similar pain.

Also, Lefco, Inc., who was the representative director of the complainant, became self-asserted as a result of the case, and shareholders who exceeded 165 people suffered economic loss and mental suffering. The impact on Japanese society is great. In addition, the impact on Chinese people, Chinese government and the international community is enormous.

The complainant lost his mother in January of the year of arrest due to this arrest and detention,

I could not do the early bowl, and I could not do the third time by imprisonment.

My wife was being threatened as to how to do as a joint guarantor (sister) from my sister, niece, niece's owner. The complainant is still being threatened from his niece. I am out of cancer in August 2003.

My niece says that the causal relationship of cancer is to the complainant. Of course, we

will not go to the funeral.

Even then, the complainant is still being harassed from his niece in a letter etc.

The rumors of a house investigation are transmitted to business partners etc. in 1 or 2 days, reports of arrests are transmitted to friends, etc. and it is enough to spit. This may be a reversal that the complainant was proud of innocence and inferiority, but I feel the scare of television and newspaper coverage.

The Chinese also disappeared. A Chinese friendly to the complainant listened to my story and returned to China saying that Japan became scared.

After investigating the house, Lefco borrowed from Mizuho Bank and Mitsubishi UFJ Bank, pledged the complaint's home to Mizuho Bank with collateral, and the complainant, the wife and sister guaranteed joint and more, furthermore Chiba Credit Guarantee Association For the borrowings under guarantee, even if Lefco is made to self-bankrupt, only the temporary work is transferred to the new company continuously, securing income and trying to repay the subrogation,

The joint company, which was founded in a hurry, was completely absent by the arrest as well.

Despite the fact that the police officer (Kato) is forced Lefco into bankruptcy,

Knowing the establishment of a joint company company Future, Lefco was the death to say that it is a bankruptcy impersonation.

The complainant was deprived of all property rights guaranteed by the Japanese Constitution.

I lost credit, future income, I still carry debts.

Although I was asking for patent registration on 2 patents related to mobile phones, although the patent examination for 2 years or more was done and registration was granted, since the imprisonment was held at the Tokyo detention center, the patent office also complained I could not get in touch with people, eventually the registration ceased to exist and sales of huge patent rights ceased.

Takko is due to the coverage of TV and newspaper,

My wife was interrogated as a suspect and received mental suffering.

Moreover, economically it suffered greatly from the circumstances described above.

My son postponed her marriage, the court costs of the accused, and the complainant guaranteed joint guarantee, purchased an arbitrary auction at home that put in a revolving mortgage with borrowing funds, and we have a lot of debt .

Lefco Corporation became self-insolvent as a result of the case,

Shareholders of 165 or more people also suffered from mental sufferment due to economic losses and dreams of public offering being collapsed with cash contributions. As I will explain later, I finally got a chance to recover V-shape, but I will not regret it.

Although the complainant is not in good condition after the expiration date on March 19, 2013,

There was a voluntary request for retrial by the public prosecutor (withdrawal of prosecution), apologizing and waiting for the resurrection of the property right, but since it is planned to escape with slippage unique to the criminal , We have no choice but to

prosecute juridical persons with "advice on false charges" and "crime of abusing ex officio on special civil servants" by advice from the international community.

The seriousness of this incident is that criminal offense, which is a violation of criminal law,
All judicial officials involved in this case, in an unavoidable form of abuse of authority,
It is quite normal for us to commit as we do normally.

People from the international community, looking at the net and sending emails to complainants,
In Japan, say that you can not believe this incident that happened.
People from the international community were convinced that Japan was an advanced nation and a legal nation.

In Japan, false charges due to misidentification of facts are often heard, but this case is not a factual relationship,
We have arrested and captured crime by laws that do not exist (private law).

It is a criminal act denying a criminal law principle by a judicial official.
It is a crime that denies Article 99 of the Constitution, even denying the state of the state.

They ignore the Constitution and laws, conduct home investigation, arrest, indictment, trial,
There are many prosecutors and judges involved,

And even though a lawyer comes in ... "How come!" "I can not believe it!"

## Chapter 6 Other

### Ⅰ. Verification method

1. Indictment

2. Japan Constitution, Immigration Control and Refugee Recognition Act, Penal Code etc.

3. Minutes of the Diet concerning revision of Immigration Control Act (Plenary Session and Committee etc)

(Creation of Law and Purpose of Amendment)

Four. Tokyo District Court Decision, Tokyo District Court Decision, Supreme Court Decision

### Ⅱ. Relationship information

Indictment

(2010 Tohoku Agency Foreign Territory No. 6487, 6624

Heisei 22nd inspection, 17461, 17462, 29215, 29216)

Tokyo District Court Decision

Declared on April 26, 2011 Heisei 22 (Y) Wako No. 1655

Appeal brief

July 27, Heisei 22 year Special (Wa) No. 1655

Tokyo High Court decision

Declared September 22, 2011 Heisei 23 (105) No. 1055

Appeal brief note (complaint)

November 29, 2011 Heisei 23 (a) No. 1756

Appeal brief note (defense counsel)

December 6, 2011 Heisei 23 (a) No. 1756

Supreme Court decision

January 23, Heisei 24 (a) No. 1756

Opposition request (complaint)

January 27, Heisei 24 (a) No. 1756

Opposition request (defense counsel)

January 25, Heisei 24 (a) No. 1756

Supreme Court decision

Heisei 24 February Heisei 24 (Su) No. 38, No. 45

**Ⅲ. Attached document**

Please obtain necessary materials from the above relation information

〒 261 - 0003

6-18-9 Takahama, Mihama-ku, Chiba-shi

Yasuhiro Nagano

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**告訴状**

平成２８年　5月１０日

平成２７年　6月　9日

東京地方検察庁　御中

告訴人

〒２６１－０００３

住所　　千葉市美浜区高浜６－１８－９

電話　　０９０－４８２４－７８９９

職業　　合同会社未来 代表

生年月日　　昭和２４年9月9日生

氏名　　長野恭博　　印

被告訴人

正犯の成す、刑法 194 条　特別公務員職権濫用罪および刑法１７２条　虚偽告訴罪に対する、刑法 62 条１項幇助罪

住所　　〒102-0083　東京都千代田区麹町一丁目６番２ アーバンネット麹町ビル３階

1）　弁護士　村上元茂　（大原法律事務所）

2）　大原法律事務所 代表者　弁護士 大原 誠三郎

**第1章．告訴の趣旨**

被告訴人は正犯の成す下記犯罪に対し心理的に実行行為を促進したものである。

日本は、「不法就労」に対して、不法就労した外国人を「出入国及び難民認定法（以下「入管法」と言う）」７０条「不法就労罪」で刑事処分し、不法就労させた雇用者を入管法７３の２条「不法就労助長

罪」で、両者を平等に刑事処分することで、日本国憲法の「法の下での平等」や恣意的に外国人を処分することを禁じた「国際法」に反しないように立法しています。

しかし、実態は、（不法就労させた雇用者）を「不法就労助長罪」で処分せず、（不法就労した外国人だけ）を「不法就労罪」で刑事処分し、国外追放にしています。

これは、外国人を恣意的に差別することを禁じた国際法に反しています。日本国憲法の法の下での平等にも反しています。

不法就労させた「不法就労助長罪」で事業者を処分しないのであれば、不法就労させられた外国人も、処分なし（無罪）が法の論理です。そうであれば当然、如何なる、不法就労の幇助者もいないということです。これが法の下での統治であり、基本的人権の尊重であり、国際法の遵守です。

２０１０年に発生した当入管法違反幇助事件では、もっと悪質な、犯罪行為をしました。従来は不法就労させた事業者を「不法就労助長罪」で処分せず、不法就労した外国人だけを「不法就労罪」で罰金刑にして国外追放していたのですが、「不法就労助長罪」の雇用者にかわる、第三者の「幇助者」をでっち上げ、平等に処分したように見せかけるため、第三者を刑事処分して、不法就労した外国人を罰金刑でなく「懲役刑」にして国外追放したのです。第三者とは、採用予定の正犯に雇用契約書を提供した告訴人と共犯とされた元部下の中国人「金軍学」です。

私と共犯とされた「金軍学」は、中国人の不法就労に対して、その幇助行為をしたとして、国際法を遵守するため創設された、不法就労に対する幇助行為や助長行為を規定した特別法である「不法就労助長罪」でなく、不法にも、「内容虚偽の雇用契約書」を提供したから、在留資格が容易に得られた。それで日本におられた。日本におられたから不法就労できた。との因果関係で、一般法である刑法の「幇助罪」を乱用され実刑（懲役刑）を受けました。

私達だけでなく、私の知る限り、２０１４年、２０１５年にはフィリピン大使館職員や外交官まで同様の不法な論理で「幇助罪」が適用され刑事処分されております。

私の主張は、　刑法の幇助罪適用は、以下の理由により適用法違反による犯罪行為です。被告訴人らの罪名は刑法の「虚偽告訴罪」であり、「特別公務員職権乱用罪」です。

１．不法就労に対する幇助罪は、特別法にあたる、入管法の７３の２条「不法就労助長罪」で規定されています。正犯や警察官、検察官も認めるように、私は、「不法就労助長罪」に規定する行為はしていません。

2．正犯を雇用した事業者は何れも、お咎め無しで入管法が規定する「不法就労助長罪」で処分されていません。そうであれば雇用された正犯もお咎め無しの無罪です。そして如何なる幇助者も存在しないということです。

3．次に、「内容虚偽の雇用契約書」の提供が在留資格の取得を容易にしたとは言えません。

在留資格を容易に取得させたというが、在留資格の付与条件は法律で規定されておらず、付与条件は未公開で、法務大臣が裁量で付与するものであり、在留資格を容易にしたとは言えません。

「内容虚偽の雇用契約書」で在留資格を得たのであれば、入管法２２条の４の４在留資格取消で規定するとおり不法就労とは別個のものです。

仮に「内容虚偽の雇用契約書」で法務大臣より技術や人文国際の在留資格を得たとしても、技術や人文国際の在留資格の範囲で働いていれば、不法就労（資格外活動）にならないことは自明の理です。したがって在留資格の取得と不法就労とは何ら関係のないものす。

憲法３１条に　「何人も、法律の定める手続によらなければ、その生命若しくは自由を奪はれ、又

はその他の刑罰を科せられない。」（法律の定めとは、国会で制定した法律を指します。地方議会で制定した条例も含む）に照らして、雇用契約書の提出は、法律でも、省令でもなく、課長通達で外国人に提出を求めるもので、事業者として協力したものであり、仮に虚偽であるとしても、法務大臣が裁量で与える事案について刑事罰を科す根拠法がありません。唯一あるのは、法務大臣は、その対処として入管法で在留資格を取消ことができるとしています。

在留資格の付与は法務大臣の裁量ですが、法務大臣は法律ではない法務省の「省令」で、技術や人文国際については、大学、短大等を卒業して専門知識をもっていることを付与方針として規定していますので、「卒業証書」であれば在留資格付与の大きな要因だと推測できますが、雇用契約書が在留資格の取得を容易にするとは言えません。

在留資格を得られたから本邦におられた。本邦におられたから不法就労できたと言うが、在留資格は付与条件を未公開で法務大臣が裁量で与えるものです。

在留資格を受けても、更に入国許可（パスポートへの証印）も許可条件を未公開で、外務大臣が裁量で許可を与えて在住（入国）が可能になるものです。よって、雇用契約書が虚偽だとしても両大臣の裁量権限を容易に左右できるとは言えません。

事実として、在留資格は法務大臣が裁量で付与するものですから、告訴人らは、入管との質疑などで在留資格について次のように説明され運用させられていました。

1）「卒業証書」で在留資格要件が満たされ専門知識があれば、雇用会社が不適当若しくは雇用契約書が虚偽などの場合は、外国人に対して、雇用契約会社を変えさせて再申請させている。

2）雇用契約書を交わした外国人が在留資格を受けて入社しなくとも、在留資格は外国人個人に付与するもので、付与後は、在留資格（技術や人文国際）の範囲でどこで働こうと自由である。

3）在留資格を取得後、雇用契約会社に入社できなくとも、直ちに在留資格が取消されるのでは

なく、一定期間内に、在留資格の範囲で雇用先を見つけ就労できる。

よって、内容虚偽の雇用契約書の提供が在留資格の取得を容易にしたとはいえず、また、在留資格の取得と不法就労とは何ら、因果関係はありません。

前記したように「内容虚偽の雇用契約書」で法務大臣より裁量で、技術や人文国際の在留資格を得たとしても、技術や人文国際の在留資格の範囲で働いていれば不法就労にならないことは明白で、「内容虚偽の雇用契約書」と不法就労とは関係のないことは自明の理です。

彼等が不法就労者になったのは、働く資格のない在留資格の外国人を雇用して働かせた事業者の責であることは自明の理であります。

以上により、入管法の立法趣旨どおり、不法就労に対する幇助・助長行為は「不法就労助長罪」に規定するとおりで処分しなければ不当であり、幇助罪の適用は不法です。

２０１５年、大阪で中国人留学生がホステスをして「不法就労罪」で処分され「国外退去」になりましたが、不当だとして裁判で争い、無罪になっています。

このときの判決理由は、資格外活動として、週に２８時間の就業時間制限や風俗営業での就労を認めていないのは、入管法本則（法律）ではなく細則（省令）なので、法律違反ではないとして起訴を退けたのです。

4. 外国人は日本におられるようにしたら犯罪をすると断定するのは、外国人に対する人権侵害です。そして、外国人を日本におられるようにしたら、その外国人が犯罪行為を犯せば幇助罪だとするのは幇助罪の乱用で、国民は安心して生活できません。

外国人のした不法就労に対して、その幇助行為の処罰を定めた「不法就労助長罪」でなく、日本に

在住できるようにしたから犯罪ができたとの因果関係で、何ら刑事罰にならない在留資格取消行為の幇助を理由にして、刑法の「幇助罪」を適用するのは、幇助罪の乱用で違法です。

不法就労の幇助理由に、（課長通達で要求された）「（内容虚偽の）雇用契約書」を正犯に提供したから、（法務大臣より裁量で）在留資格が容易に取得できた。在留資格が得られたから、（外務大臣より裁量で入国査証が得られ）日本に在住できた。日本に在住できたから不法就労ができた。との因果関係で刑法の幇助罪を適用していますが、前記したように、仮に「内容虚偽の雇用契約書」であっても在留資格の取得や入国査証の許可とは、何ら法的な根拠がなく、明らかに因果関係がなく、又、日本におられるようにしたから犯罪ができるとすることは外国人に対する悪質な差別であり、人権侵害であり、また、幇助罪の乱用で違法です。

日本では、こうした遠い因果関係の論法を「風が吹けば桶屋が儲かる論法」と言います。風が吹けば、何故、桶屋が儲かるのか・・・？因果関係を話せば長いのです。そしてシナリオは色々あります。つまり、因果関係は「こじつけ」なのです。

こうした、遠い因果関係で幇助罪を適用する習慣が根付いていれば、恐ろしい日本社会です。国民は安心して生活ができません。

日本に在住できるようにしたから「不法就労」ができた。よって、因果関係は明白であると言うが、外国人にアパートの一室を貸して、日本に在住できるようにした。日本に在住できたから殺人ができたとしてアパートのオーナーに「殺人罪」の幇助罪が適用できるのでしょうか？？？この答えとして、

取調べの警察官は、「社長、中国人が不法就労したから、不法就労に対する幇助罪で済むけど・・・・中国人が、殺人をしていたら、殺人罪に対する、幇助罪ですよ！気をつけてくださいよ！」と言いました。既に、アパートのオーナーに、殺人罪の「幇助罪」を適用しているのです。

外国人を平等に扱う日本人を面白く無いと思えば、この日本人に対して、裁量で殺人の幇助者にもしているのです。人権侵害の根本は、恣意的な外国人排除の習慣が根付いているからです。

よって被告訴人正犯らの罪名は刑法の「虚偽告訴罪」であり、「特別公務員職権乱用罪」です。

個々については、第２章　告訴事実記載しますが、「特別公務員職権濫用罪」は、その職権を濫用して、他人を逮捕、監禁することによって成立する罪です。特別公務員職権濫用罪の犯罪構成要件該当性については、

①主体が特別公務員であること、・・・・事実　警察官、検察官や裁判官らです。

②人を逮捕・監禁したこと 、・・・・事実として逮捕・監禁されました。

③職権を濫用したこと、によって成立します。・・・・職権を濫用したか否かですが、濫用とは、職務上の権限を不法に行使することで、その手段や方法は、暴行・脅迫だけでなく、法律上・事実上、被害者に対してその結果を受け入れざるえない程度に意思決定の自由を圧迫するものであれば足りるとされています。

職務権限については、第三章　注釈的説明で　記載しますが、警察官について言えば　刑事訴訟法　第百八十九条　警察官は、それぞれ、他の法律又は国家公安委員会若しくは都道府県公安委員会の定めるところにより、司法警察職員として職務を行う。

２　司法警察職員は、犯罪があると思料するときは、犯人及び証拠を捜査するものとします。と規定されています。

よって、犯罪が思料されない、つまり、なんら法に違反していないのに、捜査、逮捕、監禁することは、不法な行為であり、特別公務員職権乱用罪にあたります。

告訴事実に記載のとおり、不法な内容嘘偽の逮捕状等を提示するなどして意思決定の自由を圧迫し職務上の権限を行使しています。

特別公務員職権濫用罪は故意を必要としていませんので、この明らかな不法な行為は、職権乱用であるので、犯罪は成立します。

名誉回復のための手段は「再審請求」です。しかし、「適用法の誤り」は再審請求できません。しかし事件に関わった警察官や検察官の犯罪を起訴し、犯罪が確定すれば「再審請求」できます。

私は、日本の司法が、法の下での統治、基本的人権の尊重、国際法の遵守を実現する証として、検察が自主的に再審請求することを望んでいます。

よって、何度めかになりますが　告訴状を堤出いたします。

以下の被告訴人の所為は、正犯の成す、刑法 194 条　特別公務員職権濫用罪および刑法１７２条虚偽告訴罪に対する、刑法 62 条 1 項幇助罪に該当する者と考えるので、被告訴人を厳罰に処することを求め告訴します。

**第２章．告訴事実**

**Ⅰ．特別公務員職権乱用罪　幇助の犯罪事実**

1．正犯の警察官らは、平成２２年６月１４日１１時半頃、持っている職権を不法に乱用して、告訴人は何ら犯罪が思科されないし、犯罪所為をしていないにもかかわらず、内容虚偽の雇用契約書を不法就労した正犯に提供したことは、犯罪が思科されるとして、世田谷署において告訴人を入管法違反（資格外活動による不法就労）の幇助罪の容疑で、事前に東京簡易裁判所に逮捕令状を嘘偽請

求し、被告訴人は持っている職権を乱用し内容嘘偽の不法な逮捕令状で、意思決定の自由を圧迫し、告訴人には何の義務もない、不法な逮捕・監禁を行ない取調べを行ない、その後も、月島署に移送して不法な逮捕監禁を行ない取調べを行ったもので、警察官らの所為は、刑法１９４条　特別公務員職権濫用罪に該当するものです。

被告訴人の弁護人　村上元茂は、正犯のなす犯罪行為を、弁護士職務基本規定第３７条１項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告訴人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幇助したものです。

被告訴人　大原法律事務所 代表者　弁護士 大原 誠三郎は、、弁護士職務基本規定第五十五条に反し、所属 弁護士　村上元茂が弁護士職務基本規定を遵守するための必要な措置を怠ったとしか言えず同罪です。

尚、被告訴人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、告訴人は、即時に釈放され、事件は終了していたことは明らかであります。

2. 正犯の警察官らは、平成２２年７月３日頃、持っている職権を不法に乱用して、告訴人は何ら犯罪が思科されないし、犯罪所為をしていないにもかかわらず、内容虚偽の雇用契約書を不法就労した正犯に提供したことは、犯罪が思科されるとして、月島署に留置中の告訴人を入管法違反（資格外活動による不法就労）の幇助罪の容疑で、事前に東京簡易裁判所に（再）逮捕令状を嘘偽請求し、被告訴人は持っている職権を乱用し内容嘘偽の不法な逮捕令状で、意思決定の自由を圧迫し、告訴人には何の義務もない、不法な逮捕・監禁を行ない、その後も、世田谷署及び荻窪署に移送して、不法な逮捕監禁を行ない取調べを行ったもので、警察官らの所為は、刑法１９４条　特別公務員職権濫用罪に該当するものです。

被告訴人の弁護人　村上元茂は、正犯のなす犯罪行為を、弁護士職務基本規定第３７条１項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告訴人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幇助したものです。

被告訴人　大原法律事務所 代表者　弁護士 大原 誠三郎は、、弁護士職務基本規定第五十五条に反し、所属 弁護士　村上元茂が弁護士職務基本規定を遵守するための必要な措置を怠ったとしか言えず同罪です。

尚、被告訴人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、告訴人は、即時に釈放され、事件は終了していたことは明らかであります。

3. 正犯の検察官は、平成２２年6月１６日頃、持っている職権を不法に乱用して、告訴人は何ら犯罪が思科されないし、犯罪所為をしていないにもかかわらず、内容虚偽の雇用契約書を不法就労した正犯に提供したことは、犯罪が思科されるとして、月島署に逮捕・監禁中の告訴人を入管法違反（資格外活動による不法就労）の幇助罪の容疑などで、不法に勾留請求を行ない、勾留状を不法に取得して、職権を乱用し内容嘘偽の不法な勾留状で、意思決定の自由を圧迫し、告訴人には何の義務もない、不法な逮捕監禁を行ない取調べを行ったもので、検察官の所為は、刑法１９４条　特別公務員職権濫用罪に該当するものです。

被告訴人の弁護人　村上元茂は、正犯のなす犯罪行為を、弁護士職務基本規定第３７条１項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告訴人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幇助したものです。

被告訴人　大原法律事務所 代表者　弁護士 大原 誠三郎は、、弁護士職務基本規定第五十五条に反し、所属 弁護士　村上元茂が弁護士職務基本規定を遵守するための必要な措置を怠ったとしか言えず同罪です。

尚、被告訴人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、告訴人は、即時に釈放され、事件は終了していたことは明らかであります。

4. 上記の勾留請求に対し、平成２２年６月２４日頃、弁護人は、拘留取消の請求を東京地方裁判所へ請求したが、正犯の検察官は裁判官の意見の求めに対し、持っている職権を不法に乱用して、、不法にも、取消を認めずの通知を発行させ、意思決定の自由を圧迫し、告訴人には何の義務もない、不法な逮捕監禁を行なったもので、検察官の所為は、刑法１９４条　特別公務員職権濫用罪に該当するものです。

被告訴人の弁護人　村上元茂は、正犯のなす犯罪行為を、弁護士職務基本規定第３７条１項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告訴人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幇助したものです。

被告訴人　大原法律事務所 代表者　弁護士 大原 誠三郎は、、弁護士職務基本規定第五十五条に反し、所属 弁護士　村上元茂が弁護士職務基本規定を遵守するための必要な措置を怠ったとしか言えず同罪です。

尚、被告訴人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、告訴人は、即時に釈放され、事件は終了していたことは明らかであります。

５．正犯の検察官は、平成２２年７月３日頃、持っている職権を不法に乱用して、告訴人は何ら犯罪が思科されないし、犯罪所為をしていないにもかかわらず、内容虚偽の雇用契約書を不法就労した正犯に提供したことは、犯罪が思科されるとして、荻窪署に逮捕・監禁中の告訴人を入管法違反（資格外活動による不法就労）の幇助罪の容疑などで、不法に（再）勾留請求を行ない、勾留状を不法に取得して、職権を乱用し内容嘘偽の不法な勾留状で、意思決定の自由を圧迫し、告訴人には何の義務もない、不法な逮捕監禁を行ない取調べを行ったものです。

被告訴人の弁護人　村上元茂は、正犯のなす犯罪行為を、弁護士職務基本規定第３７条１項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告訴人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幇助したものです。

被告訴人　大原法律事務所 代表者　弁護士 大原 誠三郎は、、弁護士職務基本規定第五十五条に反し、所属 弁護士　村上元茂が弁護士職務基本規定を遵守するための必要な措置を怠ったとしか言えず同罪です。

尚、被告訴人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、告訴人は、即時に釈放され、事件は終了していたことは明らかであります。

6．正犯の検察官は、取調べの検察官より引き継ぎを受け、平成２２年７月下旬頃より、平成２３年６月２４日頃まで、持っている職権を不法に乱用して、告訴人は何ら犯罪が思科されないし、犯罪所為をしていないにもかかわらず、内容虚偽の雇用契約書を不法就労した正犯に提供したことは、犯罪であるとして、東京拘置所に収監中の告訴人を入管法違反（資格外活動による不法就労）の幇助罪の被告として釈放せず、そして同年１０月末頃、公判において不法な内容虚偽の起訴状を読み上

げ公判を開始し、意思決定の自由を圧迫し、告訴人には何の義務もない、不法な逮捕監禁をして公判を行った。

そして又、弁護人は保釈請求を毎月のように請求するが、被告訴人は毎回、裁判官に保釈を認めない意見を出し、不法な保釈請求却下の通知書を発行させ、意思決定の自由を圧迫し、告訴人には何の義務もない、不法な逮捕監禁を行ない公判を行ったもので、検察官の所為は、刑法１９４条　特別公務員職権濫用罪に該当するものです。

被告訴人の弁護人　村上元茂は、正犯のなす犯罪行為を、弁護士職務基本規定第３７条１項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告訴人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幇助したものです。

被告訴人　大原法律事務所 代表者　弁護士 大原 誠三郎は、、弁護士職務基本規定第五十五条に反し、所属 弁護士　村上元茂が弁護士職務基本規定を遵守するための必要な措置を怠ったとしか言えず同罪です。

尚、被告訴人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、告訴人は、即時に釈放され、事件は終了していたことは明らかであります。

７．正犯の裁判官は、平成２２年６月１４日逮捕の前頃、持っている職権を不法に乱用して、告訴人は何ら犯罪が思科されないし、犯罪所為をしていないにもかかわらず、内容虚偽の雇用契約書を不法就労した正犯に提供したことは、犯罪が思科されるとして、告訴人を入管法違反（資格外活動による不法就労）の幇助罪などの容疑による、警察官の不法な逮捕状請求を、情により適法と認め、逮捕状を不法に発行し、意思決定の自由を圧迫し、告訴人には何の義務もない、不法な逮捕・監禁を行

なわせたもので、裁判官の所為は、刑法１９４条　特別公務員職権濫用罪に該当するものです。

被告訴人の弁護人　村上元茂は、正犯のなす犯罪行為を、弁護士職務基本規定第３７条１項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告訴人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幇助したものです。

被告訴人　大原法律事務所 代表者　弁護士 大原 誠三郎は、、弁護士職務基本規定第五十五条に反し、所属 弁護士　村上元茂が弁護士職務基本規定を遵守するための必要な措置を怠ったとしか言えず同罪です。

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８．正犯の裁判官は、平成２２年７月３日頃、持っている職権を不法に乱用して、告訴人は何ら犯罪が思科されないし、犯罪所為をしていないにもかかわらず、内容虚偽の雇用契約書を不法就労した正犯に提供したことは、犯罪が思科されるとして、月島署に逮捕・監禁中の告訴人を入管法違反（資格外活動による不法就労）の幇助罪などの容疑による、警察官の不法な（再）逮捕状請求を、情により適法と認め、逮捕状を不法に発行し、意思決定の自由を圧迫し、告訴人には何の義務もない、不法な逮捕監禁を行なわせたもので、裁判官の所為は、刑法１９４条　特別公務員職権濫用罪に該当するものです。

被告訴人の弁護人　村上元茂は、正犯のなす犯罪行為を、弁護士職務基本規定第３７条１項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告訴人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進した

もので、つまり犯罪を幇助したものです。

被告訴人　大原法律事務所 代表者　弁護士 大原 誠三郎は、、弁護士職務基本規定第五十五条に反し、所属 弁護士　村上元茂が弁護士職務基本規定を遵守するための必要な措置を怠ったとしか言えず同罪です。

尚、被告訴人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、告訴人は、即時に釈放され、事件は終了していたことは明らかであります。

９．正犯の裁判官は、平成２２年６月中旬頃、持っている職権を不法に乱用して、告訴人は何ら犯罪が思科されないし、犯罪所為をしていないにもかかわらず、内容虚偽の雇用契約書を不法就労した正犯に提供したことは、犯罪が思科されるとして、月島署に逮捕・監禁中の告訴人を入管法違反（資格外活動による不法就労）の幇助罪の容疑などによる、検察官の不法な勾留状請求を、情により適法と認め、勾留状を不法に発行し、意思決定の自由を圧迫し、告訴人には何の義務もない、不法な逮捕・監禁を行なわせたもので、裁判官の所為は、刑法１９４条　特別公務員職権濫用罪に該当するものです。

被告訴人の弁護人　村上元茂は、正犯のなす犯罪行為を、弁護士職務基本規定第３７条１項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告訴人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幇助したものです。

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尚、被告訴人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、告訴人は、即時に釈放され、事件は終了していたことは明らかであります。

１０．正犯の裁判官は、平成２２年７月５日頃、持っている職権を不法に乱用して、告訴人は何ら犯罪が思科されないし、犯罪所為をしていないにもかかわらず、内容虚偽の雇用契約書を不法就労した正犯に提供したことは、犯罪が思科されるとして、荻窪書に逮捕・監禁中の告訴人を入管法違反（資格外活動による不法就労）の幇助罪の容疑などによる、検察官の不法な（再）勾留状請求を、情により適法と認め、、勾留状を不法に発行し、意思決定の自由を圧迫し、告訴人には何の義務もない、不法な逮捕・監禁を行なわせたもので、裁判官の所為は、刑法１９４条　特別公務員職権濫用罪に該当するものです。

被告訴人の弁護人　村上元茂は、正犯のなす犯罪行為を、弁護士職務基本規定第３７条１項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告訴人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幇助したものです。

被告訴人　大原法律事務所 代表者　弁護士 大原 誠三郎は、、弁護士職務基本規定第五十五条に反し、所属 弁護士　村上元茂が弁護士職務基本規定を遵守するための必要な措置を怠ったとしか言えず同罪です。

尚、被告訴人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、告訴人は、即時に釈放されていたことは明らかであります。

１１．正犯の裁判官は、平成２２年６月２４日頃、持っている職権を不法に乱用して、告訴人は何ら

犯罪が思科されないし、犯罪所為をしていないにもかかわらず、内容虚偽の雇用契約書を不法就労した正犯に提供したことは、犯罪が思科されるとして、入管法違反（資格外活動による不法就労）の幇助罪の容疑で、月島署に逮捕・監禁中の告訴人を、弁護人の請求する拘留取消請求を、検察官の意見を聴いた上として、不法な勾留請求を情により適法と認め、拘留取消請求を却下決定する通知を不法に発行することで、意思決定の自由を圧迫し、告訴人には何の義務もない、不法な逮捕・監禁を行なわせたもので、裁判官の所為は、刑法１９４条　特別公務員職権濫用罪に該当するものです。

被告訴人の弁護人　村上元茂は、正犯のなす犯罪行為を、弁護士職務基本規定第３７条１項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告訴人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幇助したものです。

被告訴人　大原法律事務所 代表者　弁護士 大原 誠三郎は、、弁護士職務基本規定第五十五条に反し、所属 弁護士　村上元茂が弁護士職務基本規定を遵守するための必要な措置を怠ったとしか言えず同罪です。

尚、被告訴人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、告訴人は、即時に釈放され、事件は終了していたことは明らかであります。

１２．正犯の裁判官は、平成２２年１０月末頃頃、持っている職権を不法に乱用して、告訴人は何ら犯罪が思科されないし、犯罪所為をしていないにもかかわらず、内容虚偽の雇用契約書を不法就労した正犯に提供したことは犯罪として、東京拘置所に収監中の告訴人を入管法違反（資格外活動による不法就労）の幇助罪による、検察官の不法な内容虚偽の起訴を、情により適法と認め、公判を開廷し、意思決定の自由を圧迫し、告訴人には何の義務もない、不法な逮捕・監禁を行なわせ公判を行ったものです。

更に、弁護人が毎月のようにする保釈請求においても、又判決後も、毎回検察官の意見を聴いたうえとして、不法な内容虚偽の起訴を適法として扱い、保釈請求を却下する通知を発行し、意思決定の自由を圧迫し、告訴人に義務のない逮捕、監禁を行ったもので、裁判官の所為は、刑法１９４条　特別公務員職権濫用罪に該当するものです。

被告訴人の弁護人　村上元茂は、正犯のなす犯罪行為を、弁護士職務基本規定第３７条１項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告訴人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幇助したものです。

被告訴人　大原法律事務所 代表者　弁護士 大原 誠三郎は、、弁護士職務基本規定第五十五条に反し、所属 弁護士　村上元茂が弁護士職務基本規定を遵守するための必要な措置を怠ったとしか言えず同罪です。

尚、被告訴人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、告訴人は、即時に釈放され、事件は終了していたことは明らかであります。

尚、保釈請求の請求書は告訴人が、持っているだけでも下記があります。

平成２２年１０月８日　平成２２年特（わ）第１６５５号

平成２２年１１月５日　平成２２年特（わ）第１６５５号

平成２２年１２月９日　平成２２年特（わ）第１６５５号

平成２３年１月２０日　平成２２年特（わ）第１６５５号

平成２３年５月１７日　平成２２年特（わ）第１６５５号

１３．正犯の裁判官（下記）は、平成２２年６月１４日頃より、平成２３年６月２４日頃保釈されるまで、持っている職権を不法に乱用して、告訴人は何ら犯罪が思科されないし、犯罪所為をしていないにもかかわらず、東京拘置所に収監中の告訴人を、内容虚偽の雇用契約書を不法就労した正犯に提供したことは犯罪として、入管法違反（資格外活動による不法就労）の幇助罪で公判中、弁護人の保釈請求（下記）に対し、検察官の内容虚偽の不法な起訴事実を、情により適法と認める審査をして、保釈請求を却下する通知を発行し、意思決定の自由を圧迫し、告訴人には何の義務もない、不法な逮捕・監禁を行なわせ公判を行ったもので、裁判官の所為は、刑法１９４条　特別公務員職権濫用罪に該当するものです。

被告訴人の弁護人　村上元茂は、正犯のなす犯罪行為を、弁護士職務基本規定第３７条１項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告訴人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幇助したものです。

被告訴人　大原法律事務所 代表者　弁護士 大原 誠三郎は、、弁護士職務基本規定第五十五条に反し、所属 弁護士　村上元茂が弁護士職務基本規定を遵守するための必要な措置を怠ったとしか言えず同罪です。

尚、被告訴人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、告訴人は、即時に釈放され、事件は終了していたことは明らかであります。

記

保釈請求を棄却した東京地裁の裁判官　加藤雅寛

保釈請求を棄却した東京地裁の裁判官　川瀬孝史

保釈請求の準抗告を棄却した

平成２２年8月３１日　平成２２年（む）第１９８９号

東京地裁の　裁判長　裁判官　榆井英夫　裁判官　青木美佳　　裁判官　小島章朋

保釈請求の抗告を棄却した

平成２２年１２月２０日　平成２２年（く）第７１９号　抗告

東京高裁の　裁判長　裁判官　小倉正三　裁判官　岡田建彦　　裁判官　江口和伸

平成２３年2月２４日　平成２３年（く）第８６号　抗告

東京高裁の裁判長　裁判官　井上弘通　裁判官　山本哲一　裁判官　守下実

平成２３年5月３０日　平成２３年（く）第２５２号　抗告

東京高裁の裁判長　裁判官　飯田喜信　裁判官　山口雅高　裁判官　森善史

以上１３件の告訴事実（犯罪事実）について、以下は逮捕監禁の目的を補充

ビデオ撮影は、千葉市美浜区の告訴人の自宅前で、時間は、逮捕当日の１０時から１０時３０分ごろです。逮捕は世田谷署で１１時３０分頃です。テレビのニュースは、各社とも１２時前後のお昼のニュースです。したがって、逮捕前の情報がなければ、告訴人の自宅へくることもできず、逮捕前の映像を不法に撮影することも出来ませんし、ニュース記事はかけません。

警察と一体になっての違法撮影でも、ビデオ撮影後のニュース映像を、逮捕後すぐに放映することは不可能です。明らかに警察官らが、ニュース制作会社、テレビ局に、不法に虚偽情報を流し、そして警察の協力のもとに制作されています。

ニュース制作会社は、嘘偽のニュース映像を制作し、テレビ局に販売し放映させることで、犯罪をなす捜査の警察官、検察官の逮捕・監禁、送検、起訴などの行為を疑念を持たれないように安易にし、一般の国民のみならず裁判官にも予断を与え、警察官、検察官のなす犯罪行為を公共の電波を使うことで犯罪を助長したものです。

尚、被告訴人のする助長行為が、その後の裁判官に予断を与え、不法な所為がすべての裁判官に適法として扱われてたことから証左出来ます。

裁判官は、これだけの報道だから、マスコミでも法的調査は済んでるだろうとか、これだけの報道だから警察官、検察官に恥をかかせてはいけないなどの情により適法としたのであろうと推測できます。

３年間で１億円以上を稼いでいたと言う記事は、未だに会う人に言われますが、全く虚偽で、警察の取調べや公判でも出て来ません。一生言われるのだと思います。告訴人の説明は、自分勝手な言い訳としか受け止めてくれません。

なぜなら報道が虚偽報道をするはずはないし、もしそんなことをすれば処罰されるのに処罰されないのは、告訴人の言い訳だと陰で言うのです。

よって、犯行は計画的であり、警察官らは逮捕情報を漏洩し、ニュース制作会社と共謀し、不法な逮捕を正当化し、警察官らの犯罪を促進したものです。

「何ら犯罪が思科されないし、犯罪行為をしていないとは」詳しくは、第１章．告訴の趣旨で記載しましが正犯の犯罪要旨を再掲します。

この事件は、入管法で規定する犯罪である。不法就労に対しては、不法就労をした外国人を「不報

就労罪」で、また、不法就労させた事業者を、不法就労に対する幇助罪である「不報就労助長罪」で公平に処分することが規定されている。

よって、入管法の不法就労に関しては、両罪でこの事件は完結しなければないが、正犯のみを「不報就労罪」で刑事処分し、不法就労させた事業者を、不法就労に対する幇助罪である「不報就労助長罪」で公平に処分せずに、内容虚偽の雇用契約書を提出し、在留資格の取得を容易にしたので正犯は不法就労ができたとして、告訴人を不法就労の幇助罪としたが、前章の告訴の趣旨で記載したとおり、不法である。

従来は、不法就労した外国人だけを恣意的に「不法就労罪」で罰金等などで刑事処分し国外退去させ、不法就労させた事業者を「不法就労助長罪」で処分していないが、法の下で公平でなく、国際法に反する行為であるので、外国人も無罪としなければならないが、この事件では、手柄を得たい入管法に熟知した被告訴人は検察官と共謀し、不法就労させた事業者を情により処罰せずとも、不法就労者を処分する新たな手口を画策したのです。

先に不法就労で逮捕した正犯を罰金刑ではなく懲役刑として刑事処分するため、法の下で平等に処分するように見せかけ、また国際法にも反しないとするため、告訴人らを虚偽の幇助者とすることで、不法就労の両者を公平に刑事処分したように見せかけるため、入管法違反（資格外活動）の刑法幇助罪の犯罪者として、でっち上げたのです。そのため虚偽逮捕、虚偽送検の犯罪を企てたのです。

在留資格の付与条件は未公開で、在留資格は法務大臣が裁量で付与するものです。そして、仮に正犯が、内容虚偽の雇用契約書を提出して、技術や人文国際の在留資格を得ていた場合には、法務大臣は、入管法２２の４条の４により「在留資格の取消」を行うことができると入管法は規定しているので、入管法では不法就労と内容虚偽の雇用契約書との因果関係は全く無い。

仮に正犯が、内容虚偽の雇用契約書を提出して、技術や人文国際の在留資格を得ていたとしても、在留資格の範囲内で働いていれば「不法就労」とならないことは自明である。

真実は、正犯が、在留資格の範囲外で就労したので、不法就労となったものである。それは「不法就労助長罪」で規定するように、正犯を雇用して資格外の不法就労をさせた事業者がいたからである。

よって、仮に内容虚偽の雇用契約書であったとしても、不法就労とはなんら因果関係はないが、一般国民が入管法や国際法に疎いことを悪用した犯罪で、外国人だけをを「不法就労罪」で懲役刑として刑事処分して手柄を立てたいばかりに、不法就労とは因果関係のない、「風が吹けば桶屋が儲かる論法」で、不法就労とは関係ない第三者を不法就労の幇助者としてでっち上げ、刑法の幇助罪を乱用しているのである。

告訴人の経営するレフコ社は、昭和 58 年 10 月設立、資本金 16,492 万円あり大会社だったので、犯罪者にすれば社会に与えるインパクトが大きいので、手柄が大きいと考えたのです。

犯行目的は、不法就労した正犯と不法就労の刑法幇助罪をした告訴人らの両者を犯罪者とすることで、先輩警察官、検察官、裁判官らができなかった、入管法違反事件でおそらくはじめての、不法就労助長罪で事業者を刑事処分しなくとも、在留資格取消の幇助者を処分することで、不法就労した外国人を刑事処分することが出来る実績を作り、手柄をたてるためです。

事実、この後フィリッピン大使館職員や外交官は、この手口で犯罪人にされています。

なお、中国人は、法務大臣より在留資格取消（第２２条の４　４項）を理由として、国外退去の処分さえ受けていないので、在留資格取消の幇助とも言えないので全くの虚偽です。

したがって、告訴人は何ら犯罪行為をしていないのに、卑劣な違法行為の手口で犯罪者にし、不法

な手段で意思決定の自由を圧迫しての、被告訴人の不法な逮捕・監禁行為は単なる過失ではなく悪質な故意のある犯罪行為（後述）です。

被告訴人が、上記の趣旨で正犯の犯罪を指摘し、冤罪であるので、即時釈放を求めれば、正犯は、犯罪を認めざるを得ず、告訴人は即時釈放されたことは自明の理であります。

しかし、被告訴人は、正犯のなす犯罪行為を、弁護士職務基本規定第３７条１項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告訴人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幇助したものです。

また、被告訴人　大原法律事務所 代表者　弁護士 大原 誠三郎は、、弁護士職務基本規定第五十五条に反し、所属 弁護士　村上元茂が弁護士職務基本規定を遵守するための必要な措置を怠ったとしか言えず同罪です。

よって、被告訴人の所為は、前記１３件の警察官、検察官、裁判官ら正犯のなす　刑法１９４条特別公務員職権濫用罪に対する　刑法 62 条１項幇助罪に該当するものです。

**Ⅱ．虚偽告訴罪　幇助の犯罪事実**

１．正犯の警察官らは、平成２２年６月１５日前頃、持っている職権を不法に乱用して、告訴人は何ら犯罪が思科されないし、犯罪所為をしていないにもかかわらず、手柄を得たい被告訴人は、不法就労した正犯を通常の対処と異なり、入管法違反（資格外活動）で厳しく懲役刑にすることを画策し、それには国際法に反しないために、入管法の幇助者である雇用者を不法就労助長罪で処罰せねばならないが、情により処罰したくないので、告訴人を代わりの幇助者としてでっち上げ刑法で処罰さ

せることを画策し、内容虚偽の雇用契約書を不法就労した正犯に提供したことは、犯罪であるとして、月島署に逮捕監禁中の告訴人を入管法違反（資格外活動による不法就労）の幇助罪の容疑などで、東京地方検察庁に内容嘘偽の罪名で虚偽告訴（送検）したもので、警察官らの所為は、刑法１７２条　虚偽告訴罪に該当するものです。

被告訴人の弁護人　村上元茂は、正犯のなす犯罪行為を、弁護士職務基本規定第３７条１項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告訴人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幇助したものです。

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尚、被告訴人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、告訴人は、即時に釈放され、事件は終了していたことは明らかであります。

２．正犯の警察官らは、平成２２年７月４日前頃、持っている職権を不法に乱用して、告訴人は何ら犯罪が思科されないし、犯罪所為をしていないにもかかわらず、手柄を得たい被告訴人は、不法就労した正犯を通常の対処と異なり、入管法違反（資格外活動）で厳しく懲役刑にすることを画策し、それには国際法に反しないために、入管法の幇助者である雇用者を不法就労助長罪で処罰せねばならないが、情により処罰したくないので、告訴人を代わりの幇助者としてでっち上げ刑法で処罰させることを画策し、内容虚偽の雇用契約書を不法就労した正犯に提供したことは、犯罪であるとして、荻窪署に逮捕監禁中の告訴人を入管法違反（資格外活動による不法就労）の幇助罪の容疑などで、東京地方検察庁に内容嘘偽の罪名で虚偽告訴（追加送検）したもので、警察官らの所為は、刑法

１７２条　虚偽告訴罪に該当するものです。

被告訴人の弁護人　村上元茂は、正犯のなす犯罪行為を、弁護士職務基本規定第３７条１項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告訴人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幇助したものです。

被告訴人　大原法律事務所 代表者　弁護士 大原 誠三郎は、、弁護士職務基本規定第五十五条に反し、所属 弁護士　村上元茂が弁護士職務基本規定を遵守するための必要な措置を怠ったとしか言えず同罪です。

尚、被告訴人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、告訴人は、即時に釈放され、事件は終了していたことは明らかであります。

３．正犯の検察官は、平成２２年７月２４日頃、持っている職権を不法に乱用して、告訴人は何ら犯罪が思科されないし、犯罪所為をしていないにもかかわらず、手柄を得たい被告訴人は、不法就労した正犯を通常の対処と異なり、入管法違反（資格外活動）で厳しく懲役刑にすることを画策し、、それには国際法に反しないために、入管法の幇助者である雇用者を不法就労助長罪で処罰せねばならないが、情により処罰したくないので、告訴人を代わりの幇助者としてでっち上げ刑法で処罰させることを画策し、内容虚偽の雇用契約書を不法就労した正犯に提供したことは犯罪として、荻窪署に逮捕・監禁中の告訴人を入管法違反（資格外活動による不法就労）の幇助罪で、東京地方裁判所に虚偽告訴（起訴）をしたもので、検察官の所為は、刑法１７２条　虚偽告訴罪に該当するものです。

被告訴人の弁護人　村上元茂は、正犯のなす犯罪行為を、弁護士職務基本規定第３７条１項に反

し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告訴人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幇助したものです。

被告訴人　大原法律事務所 代表者　弁護士 大原 誠三郎は、、弁護士職務基本規定第五十五条に反し、所属 弁護士　村上元茂が弁護士職務基本規定を遵守するための必要な措置を怠ったとしか言えず同罪です。

尚、被告訴人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、告訴人は、即時に釈放され、事件は終了していたことは明らかであります。

４．正犯の検察官は、平成２３年２月頃、持っている職権を不法に乱用して、告訴人は何ら犯罪が思科されないし、犯罪所為をしていないにもかかわらず、取調べの検察官に同調し手柄を得たい被告訴人は、不法就労した正犯を通常の対処と異なり、入管法違反（資格外活動）で厳しく懲役刑にしたので、それには国際法に反しないために、入管法の幇助者である雇用者を不法就労助長罪で処罰せねばならないが、情により処罰したくないので、画策通り、告訴人を代わりの幇助者としてでっち上げ刑法で処罰させるため、内容虚偽の雇用契約書を不法就労した正犯に提供したことは犯罪であるとして、東京拘置所に収監中の告訴人を入管法違反（資格外活動による不法就労）の幇助罪で、東京地方裁判所に虚偽告訴（論告求刑）をしたもので、検察官の所為は、刑法１７２条　虚偽告訴罪に該当するものです。

被告訴人の弁護人　村上元茂は、正犯のなす犯罪行為を、弁護士職務基本規定第３７条１項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告訴人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幇助したものです。

被告訴人　大原法律事務所 代表者　弁護士 大原 誠三郎は、、弁護士職務基本規定第五十五条に反し、所属 弁護士　村上元茂が弁護士職務基本規定を遵守するための必要な措置を怠ったとしか言えず同罪です。

尚、被告訴人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、告訴人は、即時に釈放され、事件は終了していたことは明らかであります。

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５．正犯の検察官は、平成２３年９月上旬頃、持っている職権を不法に乱用して、告訴人は何ら犯罪が思科されないし、犯罪所為をしていないにもかかわらず、東京地検の検察官に同調し情により、被告訴人は、不法就労した正犯が通常の対処と異なり、入管法違反（資格外活動）で厳しく懲役刑で刑が確定しているので、それには国際法に反しないために、入管法の幇助者である雇用者を不法就労助長罪で処罰せねばならないが、情により処罰していないので、告訴人を代わりの幇助者としてでっち上げ刑法で処罰させることに同調し、内容虚偽の雇用契約書を不法就労した正犯に提供したことは、犯罪として、保釈中の告訴人を入管法違反（資格外活動による不法就労）の幇助罪で、東京高等裁判所の控訴審公判で虚偽告訴（公訴棄却を求める請求）をしたもので、検察官の所為は、刑法１７２条　虚偽告訴罪に該当するものです。

被告訴人の弁護人　村上元茂は、正犯のなす犯罪行為を、弁護士職務基本規定第３７条１項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告訴人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幇助したものです。

被告訴人　大原法律事務所 代表者　弁護士 大原 誠三郎は、、弁護士職務基本規定第五十五条に反し、所属 弁護士　村上元茂が弁護士職務基本規定を遵守するための必要な措置を怠ったとしか

言えず同罪です。

尚、被告訴人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、告訴人は、即時に釈放され、事件は終了していたことは明らかであります。

なお、被告訴人の弁護人　村上元茂は控訴審においても、罪刑法定主義で控訴趣意書を書くようにとの告訴人の依頼を無視して、刑事訴訟法に反してというよりも理解できず、弁護人が適用法誤りを指摘していないので、最高裁で告訴人が指摘しても手遅れでした。これも罪刑法定主義です。

被告訴人の弁護人　村上元茂について、告訴人は、未必の故意以上の故意を感じます。

以上５件の告訴事実（犯罪事実）について、以下は虚偽告訴の目的を補充

前記　Ⅰ．特別公務員職権乱用罪　幇助の犯罪事実　に同じです。

したがって、告訴人は何ら犯罪行為をしていないのに卑劣な違法行為の手口で犯罪者にしたので、被告訴人の不法な虚偽告訴は単なる過失ではなく悪質な故意のある犯罪行為（後述）です。

被告訴人が、上記の趣旨で正犯の犯罪を指摘し、冤罪であるので、即時釈放を求めれば、正犯は、犯罪を認めざるを得ず、告訴人は即時釈放されたことは自明の理であります。

しかし、被告訴人は、正犯のなす犯罪行為を、弁護士職務基本規定第３７条１項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告訴人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幇助したものです。

また、被告訴人　大原法律事務所 代表者　弁護士 大原 誠三郎は、、弁護士職務基本規定第五十五条に反し、所属 弁護士　村上元茂が弁護士職務基本規定を遵守するための必要な措置を怠ったとしか言えず同罪です。

よって、被告訴人の所為は、前記５件の警察官、検察官ら正犯のなす　刑法１７２条　虚偽告訴罪に対する刑法62条１項　幇助罪に該当するものです。

**Ⅲ．悪質な故意のある犯罪行為**　（告訴事実の故意について）

**1．風が吹けば桶屋が儲かる式の結論ありきの強引な因果関係による幇助論はぞっとします。**

正犯の嘘偽告訴・逮捕監禁の犯罪趣旨は、
告訴人が共犯者の金軍学と共謀し、内容虚偽の雇用契約書を不法就労した正犯に提供することで、正犯は在留資格を取得できた。正犯は在留資格が得られたので日本に在留できた。
在留できたので不法就労することが出来た。よって、入管法違反（資格外活動による不法就労）の幇助所為をした犯罪であるとしたのです。

理由とした因果関係は、入管法の趣旨を大きく逸脱し、また幇助罪論理さえ逸脱した、明らかに適用法を違法にこじつけた明らかに故意のある犯罪です。

こういう「風が吹けば桶屋が儲かる」論法が許されるのであれば、在留できたので不法就労することが出来た。の部分は、在留できたので殺人ができたとして、殺人罪の幇助罪にも出来るのです。

中国人は在留資格が得られたので日本に在留できた。の部分は、アパートの一室を借りることが

できたので、日本に在留できた。在留できたので、不法就労できた・・・在留できたので殺人ができた・・・すべて在留することができたに掛かる犯罪は、幇助罪にできることになります。

もちろん、幇助罪ですから、故意がなければなりませんが、結論が決まっていますから、故意はいくらでもでっち上げることができます。

この事件でも、金軍学が報酬（謝礼）の分け前をを銀行振り込みしたとしています。

告訴人は、内容虚偽の雇用契約書を正犯に提供したわけでなく、リーマンショックで予定していた４月の定期入社の採用ができなくなったので、採用を中止したためです。

告訴人は、リーマンショックがなければ、採用して、派遣で、一人あたり月１０万円くらいはピンはね出来ますので、虚偽の採用をする必要のないことは、業界の者でしたらすぐにわかります。しかし、特別公務員は税金で給与を貰っているのでビジネス感覚がまったくわからないのです。

それで、被告訴人は、リーマンショックなどの経済状況変化のわからない特別公務員なので、正規の雇用契約書を内容虚偽の雇用契約書と決めつけるのです。

これで、でっち上げの材料はできたのですが、幇助罪ですから「故意」が必要になります。
それで、採用を任せた金軍学のブローカー業務的な、謝礼の受け取りに着目するのです。

求人を任せられた採用担当は、有利な立場に立ちますから、中国文化では当然、謝礼の受け取りが発生します。この所為は感心しませんが中国文化では当たり前、むしろ儒教文化では、仲人などへの謝礼と同じ感覚なのです。

中国ビジネスで賄賂なしでは仕事ができないのと同じです。もちろん、中国文化を理解しない、論語さえ読んだことのない被告訴人には、不道徳に見えるのです。それで、この謝礼の内、一部が告訴人に流れたとでっち上げるのです。

被告訴人の警察官は逮捕前に金軍学の経営する店に偵察に行き、彼がブローカー業務をやっていることも知っているし、居抜きの店は従業員が数人いる大きな飲食店ですから、開店には１０００万円以上の資金が必要なことくらい分かります。

当然、この金は、ブローカー業務でためた資金からですが、４人からの謝礼を全部合計しても１００万円にはなりません。しかし、強引に一部が告訴人に流れたとして故意論をでっち上げるのです。

公判でも検察官中野麻衣は、レフコ社に入金された普通預金の記録から「キン」の名前で入金されているのは「金軍学」であると断定したのです。
中国人が、「姓」のみで銀行振込することは１００%ないと中国人はいいます。日本人でもしません。

また報酬（謝礼）の金を銀行振込することも絶対ないと言いますが、警察官、検察官らは、自らの生活習慣をそのまま中国人にあてはめたのです。
しかし、警察官、検察官らが、仲人さんへの謝礼やお中元、お歳暮を銀行振込で、
しかも「姓」だけで行っているとは、衝撃でした。

被告訴人は、逮捕状や起訴状をみて、嘘偽の雇用契約書提供の関係が不法就労に結び付くのは「風が吹けば桶屋が儲かる」の論法と感じたと思いますが、なぜ因果関係になるのかを追求すれば、在留資格取消のトリックも判明したと思うので、未必の故意以上の故意を感じます。

被告訴人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、告訴人は、即時に釈放され、事件は終了していたことは自明の理であることからも証左できます。

被告訴人は、嘘偽の雇用契約書を提供した者が刑法の幇助犯だとしても、なぜ雇用者（飲食店）が不法就労助長罪で逮捕されないのか、公判前にまったく正犯を追及していません、未必の故意以上の故意を感じます。

**２．未必の故意**

在留資格の付与条件、入管法の在留資格取消（２２条の４）や不法就労助長罪（７３条の２）の存在を知らなかった、失念していたので、単なる過失だと言い訳するのであれば、

不法就労に関わる入管法事件を扱う弁護士として、入管法の趣旨、関連条項の創設、改定趣旨やその内容などの法令調査を怠たって、職務を行うことは、

適用法誤りが指摘できず、取り返しがつかない人権侵害をおこし、被害者を社会のどん底に引きずり落とす悲惨な結果になることは、職務の性格上、充分認識していたとされるので、「未必の故意」といえます。

また、入管法違反事件を扱う弁護士が、入管法を知らなかったと言うのであれば、法治国家としての体をなしていないので、許されることではありません。

弁護士が、法律を知らなかったので、

適用法を誤ったと平然とするのでは、国民は安心して生活できません。

弁護士職務基本規定第３７条１項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告訴人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として

指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幇助したものです。

被告訴人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、告訴人や金軍学は、即時に釈放され、事件は終了していたことは自明の理であることからも証左できます。

**３．被告訴人の幇助行為について故意**

被告訴人である村上弁護士は、告訴人が逮捕された当日夜、入管法のコピー数枚を持って接見に来ている。入管法そのものは小さな法律です。
数回、読み返しても２、３時間もあれば法令調査は十二分に可能です。

この事件は、告訴人からすると事実関係を争うものではなく罪刑法定主義を争うものなので、弁護士職務基本規程）を遵守すれば、以後の公判、実刑などの悲劇は起きなかったのです。

告訴人の主張する、不法就労に対する幇助罪は不法就労助長罪しかない。
在留資格を得るには入管法では必要に応じて事実調査を行い在留資格が付与されており、
若し不正をしても在留資格取消処分です。などの主張に耳を傾け、入管法を冷静に熟読したり、
入管法に詳しい専門家に意見を聞くなりしていれば、
正犯の成した不法就労に対する幇助罪の逮捕理由である、
入管法の在留資格の取消し（第２２条の４　４項）を逮捕理由とする、適用法誤りはすぐに発見できたのです。

それを警察、検察の主張に傾注し幇助罪の犯罪構成要件における時間差論に独走して、
告訴人の主張を手続き論だとして耳を傾けなかったのです。

告訴人は法学については一般教養レベルであるが、サラリーマン時代から、中国貿易においては

通産省に行き専門官などから指導を受け、関連する法律を確認しながら違反しないようにしてきました。企業経営においても、公開準備会社として法令遵守に気を配り、商法など専門家のセミナーにも通い、商法なども同様に確認し実践してきました。
入管法についても入管窓口などで教えを請い入管法などで確認しながら実務をしてきたので、
実務的には、弁護士（村上）より理解していたと思う。それで、入管法や入管法細則を東京拘置所に差し入れて欲しいと依頼するが、差し入れされたのは細則だけでした。

この習性は告訴人がコンピュータ技術者であったことによる。
理解するには、天井に届くほどの膨大な量のマニュアルを、何度も読まなければOS、言語を初め関連技術を習得出来なかったからです。そして告訴人は、システムエンジニア（SE)だったので、社内牽制におけるアプリケーション設計とは、職務基本規定や詳細規定を作ることだったからです。規定は作るだけではなく、日々の職務で実行することが必要であることを良く知っているからです。

もし被告人らが、弁護士法、弁護士職務基本規程にそって謙虚に職務を遂行していれば、適用法誤りは簡単に見つかり、被告訴人は、正犯の成した不法就労に対する幇助罪の逮捕理由である、
入管法の在留資格の取消し（第２２条の４　４項）を逮捕理由とする、適用法誤りを指摘し、罪刑法定主義の主張をして、弁護人の立場で正当な法律手続きをしていれば、告訴人はすぐに釈放されていたことは自明の理であります。

警察官、検察官、裁判官らの特別公務員の成す犯罪行為によって
何ら義務のない逮捕・監禁から法律的に開放できるのは弁護士だけであります。

入管法の在留資格の取消し（第２２条の４　４項）を逮捕理由とする、
適用法誤りを見逃したのは過失との言い訳をするのであれば、弁護士法、弁護士職務基本規程の定める、必要な法令の調査を適切に行った上であれば、今回の過失は起こらないのであります。

弁護士法及び弁護士職務基本規程を遵守しないのは、起こるべきして起きた当然の結果であり、飲酒運転による事故と同じく、弁護士が、弁護士法及び弁護士職務基本規程を遵守しないのは、結果が見えている未必の故意であります。

弁護士法及び弁護士職務基本規程を遵守しないだけでなく、刑事事件の弁護経験が少ないことが、刑事事件の弁護に自信を欠き、警察官、検察官の逮捕理由に法的な誤りはないとの先入観で、警察や検察の捜査に迎合したことは、結果として、警察、検察の捜査を支援したとしか言えない。このことは、逮捕後２、３日して検察官（徳永）に接見するが、検察官（徳永）の言う何ら意味のない、「公判が持たない」との理由で釈放を拒否されて何ら対抗措置を取っていないことからも推測できる。告訴人のシステム業界では、こうした会話を「論理的でない」と言いますが、検察官と癒着した意味のない会話であり、まともな弁護活動とは思えません。

大原法律事務所には弁護士が２０人ほどいると聞いていたが、
誰一人として罪刑法定主義での弁護が出来なかったのであります。
全員が弁護士法及び弁護士職務基本規程を遵守していないのであります。

弁護士（村上）及び大原法律事務所は、
刑事事件の弁護経験が少なくなく自信がないのであれば、弁護を降りるか、
入管法に明るい他の弁護士事務所や司法書士に援助を依頼すべきであるが、
弁護士の任務を安易に考え、弁護士法及び弁護士職務基本規程を順守して弁護をせず、
事なかれ的そして弁護士法等に違反し形式的に弁護を行うことで警察、検察の捜査に迎合したものです。

東京拘置所においても、在留資格取消２２条４の４、不法就労助長罪７３条の２、事実の調査権についても村上弁護士に説明しています。

但し、告訴人も逮捕監禁されているので、毎日絶不調ですので詳細に説明できません。何条かについても思い出せません。本則か細則かも思い出せないので、古い六法でよいから差し入れするように依頼しましたが、届いたのは、Web から印刷した細則でした。

保釈されていれば、自分で探しますので悔しい思いをしました。逮捕監禁されるということは、こう言うことなのです。

控訴審においても、7月の打ち合わせ時、体調の悪い中を、法律論を少し話そうとしましたが、「法律論は私が専門です」と行って聞く耳を持ちませんでした。案の定、控訴趣意書には適用法誤りが書かれていませんでした。弁護士の控訴趣意書は貰いましたが、とても体調が悪く読める状態ではありませんでした。

それで、上告趣意書は、死ぬ思いで書きました１７０ページを超えていますので、何度嘔吐したか、覚えていないくらいですた。本当に死ぬと思いました。

上告趣意書は途中で何度も村上弁護士にメールで送信しました。そしてメールで、私の趣旨もいれて書くように依頼しました。

村上は上告趣意書出すなと言って、家内の携帯電話にもかけて来ましたが、死ぬかもとの思いもありましたので、せめて遺作になればと思い、たしか１２月５日が提出期限でしたが１１月末に最高裁に持って行きました。

もちろん、適用法誤りは審議事項ではないので、憲法違反を随所にいれて、高裁戻しか、原審戻しを図ったのですが、虚しいだけでした。

村上弁護士は、なぜおかしいと思わなかったのでしょうか？

不法就労は、単独ではできません。つまり、雇用する者がいるから不法就労者になるのです。こんなことは小学生でもわかります。

であれば、なぜ雇用者が逮捕されていないのかと疑問を持たなかったのでしょうか？法の下での平等原則くらいは知っていたはずです

であれば、注意して起訴状をよむと、因果関係が、風が吹けば桶屋が儲かるの論理であることは推測できますが、正確にはわからないのです。

検察官に確認すれば、不法就労の直接の因果関係が、内容嘘偽の雇用契約書を堤出した者で、正犯はその幇助者から幇助を得たので不法就労罪になっていることに疑問をもち犯罪性を感じたはずです。

私は、少なくとも、村上弁護士については、未必の故意以上の故意があると思っています。

弁護士である被告訴人らの行為は、犯罪行為を成す警察官、検察官、裁判官らの行為に対して、弁護士法及び弁護士職務基本規程を順守せず、弁護士としての基本職務を行なわないことは、犯罪をなす警察官、検察官、裁判官を心理的に励まし、大いに実行行為を促進したことは明白であり、幇助罪に該当するものであります。
また、弁護士制度の信頼を失うものであり、司法制度の崩壊にもつながりかねないことから厳しい処分が必要であります。

**４．在留資格取消って手続法ですか？**

被告訴人である弁護士は逮捕されて２、３日して検察官（徳永）に面会してきたと月島署に報告に来ます。釈放要求に対して、検事は釈放すると「「公判が持たない」と言う」と言うのです。

何ですか！「公判が持たないという意味は」と詰め寄りますが明確な答えはありません。

罪刑法定主義で「公判が持たない」という意味がよくわかりませんが、

被告訴人である弁護士は証拠隠滅とか・・・

でも中国人は逮捕されているのに、証拠隠滅とかあるんですか？

弁護士と議論しても仕方がありませんがずれていることは認識しました。

弁護士（村上）には、入管法の法の論理や手順などを話しました。

聞いているだけでしたが、一つだけ反論してきました。「手続法を言ってもしかたない」と言うのです。言っている意味がよくわかりませんでした。

在留資格付与で事実の調査権などを使って在留資格付与審査をするのは手続法ですか？

法務大臣が裁量で在留資格を付与することは手続法ですか？

外務大臣が裁量で入国査証を付与することは手続法ですか？

在留資格取消の行政処分は手続法ですか？

在資格付与条件などは法律の規定がなく省令と課長通達と裁量同じですが手続法ですか？

在留資格取消の行政処分は手続法ですか？

告訴人は、司法試験を受験したことがないのでわかりません。

告訴人は、被告訴人は未必の故意以上の故意があると思います。

**５．入管法違反（資格外活動）事件は珍しい事件ではありません。弁護士の未必の故意は異常です。**

事実として、告訴人が収監された警察の留置所は、不法就労の逮捕者で溢れかえっていました。不法滞在１０年以上も珍しくありません。多くの場合、情により雇用者を不法就労助長罪で逮捕さえ

せず処分しませんので、不法就労した外国人の内、不法滞在者は、通常は刑事処分はせずに入管送りで国外強制退去です。

正規の滞在資格は、多くの場合、不法にも法の下での平等に反し罰金刑などで刑事処分をして恣意的に国外退去をさせているのです。しかし、この事件では正規の滞在資格であるため、罰金刑で国外退去とするところを、懲役刑にして手柄を得るため、在留資格の付与条件は法律の定めがなく法務大臣が未公開の付与条件で裁量により付与するものであるにも関わらず、内容虚偽の雇用契約書の提供が在留資格の取得を容易にしたとして虚偽の幇助者をでっちあげて不法就労罪を適用した、極めて悪質な犯罪です。

余談ですが、日々新聞をよんでいれば下記の記事を目にしたとおもいます。

大阪の中国人女子留学生がホステスとして働いていて、資格外活動の不法就労で逮捕され、「在留資格取消」に該当するので国外退去の行政処分になりましたが、
この留学生は珍しく裁判をしました。

裁判の結果、処分取消になり勝訴しています。
留学ビザで風俗で働いてはいけないと決めているのは本則でなく省令だからです。
それに学業成績もよく学業に支障をきたすという理由もはねつけられています。

在留資格の付与条件は法律で規定されておらず非公開で法務大臣の裁量であり在留資格を容易にしたとも言えず、虚偽の書類提出は国外退去の行政処分であることも知っており、正犯を逮捕理由とした、犯罪事実が「在留資格取消」の幇助理由であることは１００も承知しており、入管法事件を扱う正犯の職権濫用の犯意は　明らかな故意（認識有る過失）　です。

取調べの際、不起訴で釈放されると思った司法警察官（賀来）は、こう言ったのです。

これからは、入管法でわからなければ、警察に聞いてくださいよ。

私でわからないところは、専門の人がいるので聞いて教えますよ。

このことからも警察は入管法に熟知しており計算された明らかな故意です。

　捜査指揮をした若い検察官徳永は、

取調べの際、告訴人が、罪刑法定主義では何の罪にもならないと言うと、

「私は偉いのです。誰があなたのことを信じますか、誰もあなたの言うことを信じませんよ」

「私は偉いのです。認めれば罰金、認めなければ懲役刑にでも出来るのです」

「私は偉いのです。多くの中国人は不起訴または少額罰金で入管送りになります。貴方も認めれば罰金刑にします」と言ったのです。

誰も信じなかったのは確かですが、このことからも計算された故意です。

　しかし法の専門家である弁護士が、この犯罪を見破れないのは、未必の故意で、ただただ入管法「在留資格取消」を確認しなかったのが原因です。

　法律をすべて丸暗記している、裁判官、検察官、弁護士はいないと思います。

だから関係者は、都度、六法を開いて関連法の確認をしているのです。

　被告訴人は、警察官、検察官、裁判官は必ず適用法調査をして逮捕するので、適用法に間違いないとして、事件を安易に考え時間をかけずに、金儲け第一で効率的に弁護をしたものです。

　弁護人としては異常です。弁護士職務基本規定さえ守らないで、弁護士への信頼を失わせる犯罪です。

**第３章．注釈的説明**

**１．弁護士法　弁護士の使命及び職務**

第一章　弁護士の使命及び職務

（弁護士の使命）

第一条　被告訴人である弁護士は、基本的人権を擁護し、社会正義を実現することを使命とする。

２　被告訴人である弁護士は、前項の使命に基き、誠実にその職務を行い、社会秩序の維持及び法律制度の改善に努力しなければならない。

**２．弁護士職務基本規程**

（法令等の調査）

第三十七条 被告訴人である弁護士は、事件の処理に当たり、必要な法令の調査を怠ってはならない。

２ 被告訴人である弁護士は事件の処理に当たり必要かつ可能な事実関係の調査を行うように努める

（遵守のための措置）

第五十五条 複数の弁護士が法律事務所（弁護士法人の法律事務所である場合を除く）を共にする場合（以下この法律事務所を「共同 事務所」という）において、その共同事務所に所属する弁護士（以下「所属弁護士」という）を監督する権限のある弁護士は、所属 弁護士がこの規程を遵守するための必要な措置をとるように努める。

**３．弁護士　村上元茂及び弁護士の所属する大原法律事務所（麹町）について**

弁護士　村上元茂は告訴人の会社（株式会社レフコ）の顧問弁護士である小田切登の紹介です。

大原法律事務所には２０人ほどの弁護士がいるようです。

弁護士小田切登は大原法律事務所の所属で NO 2 と吉田正一より聞いていました
吉田正一は、株式会社レフコの取締役で、以前日本デジタル研究所（JDL)の常務をしていた際、
弁護士小田切登が顧問弁護士にしていた関係で、
株式会社レフコの株式公開の準備として、弁護士小田切登と契約しました。

告訴人は、大原法律事務所の一員として弁護士　村上元茂と契約しました。

弁護士　村上元茂との弁護契約書は、
弁護士　村上元茂のみの表記と、弁護士　村上元茂及び大原法律事務所の名前が記載された
ものとがあります

弁護士小田切登は契約書をかわさない弁護士です。
弁護士小田切登への支払は　「小田切登」口座でした。

弁護士　村上元茂への支払いは「村上元茂」口座だと思います。

弁護士小田切登は東京地裁の公判でのみ、告訴人の事件で弁護人となっていますが、
弁護士小田切登は刑事はやらないが、告訴人の精神的な力になればと言って、
弁護人に名を連ねています。
代表弁護人は弁護士　村上元茂です

告訴人は、大原法律事務所として対応して欲しいと依頼していました。

弁護士（村上）は、時々は事務所のメンバーの意見を聴いたようなことを言っていました

## 第４章．事件の補足説明

### １．事件の経緯

告訴人長野恭博は、平成２２年６月１４日、１１時半頃警視庁世田谷署で入管法違反（資格外活動による不法就労）幇助の容疑で逮捕された。

調書を取られたあと、午後８時頃月島書に勾留されました。

同日夜、１０時頃、弁護士（村上）が接見にやって来た。
被告訴人である弁護士は逮捕状のコピー？と入管法のコピーをもってきて逮捕理由を説明します。
第一は、家宅捜索時に作成した源泉徴収サービスの事実です。
もう一つは、虚偽の雇用契約書を作成した刑法の幇助罪です。

被告訴人である弁護士は源泉徴収サービの事実は事実ですから認めるます。
告訴人は、はい認めますと言いました。
源泉徴収サービスは事実です。しかし違反ではありません。
嘘偽の雇用契約書を作成した情況証拠として使うものです。

もう一つの刑法の幇助罪については、
被告訴人である弁護士は、雇用契約書の作成時期と不法就労時期との時間差が、
幇助罪の構成要件に該当しないとの論理だったと思いますが、

告訴人は、不法就労に対する幇助罪は、不法就労助長罪しかないと思っていましたので、
弁護士の言う、時間差による幇助罪の論理はよくわかりませんでした。

告訴人は、嘘偽の雇用契約書は、違うという指摘と、嘘偽の雇用契約書は事実調査で判明すること、
正犯は不法就労で逮捕されたと聞いています。
仮に嘘偽だとしても正犯が行政処分されるだけだから何で幇助罪何だと言います。

弁護士は、ただ戦いましょう。と言うので期待しました。

告訴人は弁護士（村上）に、午前中のテレビニュースの撮影について説明し、不法な撮影だとして、こちらのほうも適切な対応を依頼しますが、同じ事務所の小田切弁護士がりテレビのニュースを見たとの話をして、依頼に対する説明はありませんでした。

告訴人は虚偽の雇用契約書作成での入管法の幇助違反はしていないと告げて、不法逮捕なので釈放するように依頼します。被告訴人である弁護士は、「頑張りましょう」と言って、この日はそのまま帰ります。告訴人は、不法逮捕なのですぐに帰れると確信していました。

被告訴人である弁護士は２、３日して検察官（徳永）に面会してきたと月島署に報告に来ます。
釈放要求に対して、検事は釈放すると「「公判が持たない」と言う」と言うのです。

何ですか！「公判が持たないという意味は」と詰め寄りますが明確な答えはありません。
罪刑法定主義で「公判が持たない」という意味がよくわかりませんが、
被告訴人である弁護士は証拠隠滅とか・・・
でも中国人は逮捕されているし、証拠隠滅とかあるんですか？
弁護士と議論しても仕方がありませんがずれていることは認識しました。

弁護士（村上）には、入管法の法の論理を話しましたが、聞いているだけでしたが、
一つだけ反論してきました。「手続法を言ってもしかたない」と言うのです。
言っている意味がよくわかりませんでした。

在留資格取消の行政処分は手続法ですか？

２回目の取調べ（最初の逮捕）の６月２３日
検察官から、おかしいじゃないか、あなたは前回、金は一切貰っていないと言ったでしょう、３０万円貰っているじゃないか、と言うので、告訴人は「揚げ足を取るのですか」と言って、これを最後に、体から、言葉が出なくなってしまい、この日は、これ以上、言葉を発することが出来ず、無言状態に陥りました。結局、この時は調書の作成はなく、帰されました。

このあと、多分６月３０日だと思います。弁護士（村上）が月島書に来て、あす、検事のところに行くように言われました。
告訴人は、話をしようとするが、頭の中がフラフラ浮いていて、気分が悪くなるなどの体調の話をしましたが、行けというので行きますと答えました。

３回目の取調べ（最初の逮捕）７月１日
世田谷署より迎えの車が着て、月島署より１人、車で検察へ行きました。検察官と２時間半くらい、検察官の誘導で会話をしました。

多分、このあと２、３日以内に弁護士（村上）が来ましたので、取り調べの内容は話しをしました。

再逮捕されたあとも、その日に弁護士（村上）は、荻窪書に接見にきました。

家内の接見が禁止されていますので、弁護士（村上）が下着を買ってくると言うので、再逮捕の不安を訴えたのと、なぜ再逮捕になるのか不満を言いました。
また、告訴人は、罪刑法定主義を誰かが、今にも気づいてくれると思いたくて、下着の替えはいらないと言いました。

検察。警察の取り調べ内容をメモしておくように法律事務所のレポート用紙をおいていったので逮捕時からさかのぼって書きました。

留置中に、書いたメモを渡して代わりに新しいメモ（レポート用紙）が欲しいというと、これは私（村上）に嫁と言うのかというので、唖然としました。

ノートも大量に記入して郵送するなどしましたが、同じく「読めと言うのか」と言います。

しかし、せっかく記入したメモは公判では提出しません。
検察が、読む時間をくれと言ったようです。
弁護士も読んでないからです。読む時間がもったいないと思ったのでしょう。

それで、接見の際に、口頭で言うのですが、嫌な顔をして、「私の話を聞いてくださいヨ」なので、口頭でいうことも諦めました。

留置所の中では、名前や住所などは互いに教えてはいけないし、メモにすることは禁止ですが、呼称番号を言って、同室の者や運動（実質は喫煙）時間に収容されている者との会話は自由ですので、情報が沢山入って来ます。

弁護士（村上）は接見回数が少ないので、弁護士接見の多い収容者がその弁護士に告訴人のこと

を相談してくれます。

話を総合すると、弁護士（村上）のスキルが低そうなので、たかだか入管法違反なので、たいした罪ではないし、不法就労の幇助罪として、虚偽の雇用契約書を作成したと言って逮捕されることは聞いたことがない。きっと冤罪だと思う。
しかし、このまま否認すると、馬鹿な検察は必ず起訴に持ち込み、更に半年でも１年でも実刑に持っていくだろうから、ここは一度認めて、釈放されてから、不当逮捕で再審請求をして、正式に争った方が精神的、肉体的にも楽だし、仕事の継続もできるので、すぐにでも虚偽の和解をするように薦めてくれました。

これを、再逮捕後２回めの接見の時、７時半ころ荻窪署に接見に来た弁護士（村上）に言うと、反対して、そんなことは出来ない。そうだとしたら弁護を降りる。
告訴人は、降りて結構です。解任すると言う。
弁護士（村上）は、「奥さんに言う」「奥さんがいいといったら降りる」「奥さんがいいと言うはずはない」と言って、荻窪署中に聞こえるくらい大声で怒鳴り合いましたが、
結局あとで「奥さんが任せると言う」と言うので、弁護士（村上）を解任出来ませんでした。
満期釈放後、告訴人はこのことを根に持っているので、家内を責めるとそんな事実はなかったと言います。

弁護士（村上）には、罪刑法定主義の法の論理をのべますが、
不法就労助長罪や在留資格取消は手続法だと言って相手にしません。
また法の論理は告訴人が専門ですと言って聞かないので、弁護士（村上）への信頼はなくなりました。

起訴された後、収容者から、こんなことをしているとやばいから、

法務大臣あてに、嘆願書を書くように言われましたが、
前記した虚偽の和解をするために、裁判官、検察官あてに嘆願書を書きました。
内容は、罪を認めるので、保釈して下さいの内容です。
これを、弁護士（村上）に渡すと、これは罪を認めた内容になっていない。
それに起訴されたので、裁判官、検察官が決まるまでは提出先がないと言って却下された。

起訴されたので、接見禁止は解除されたので、家内が下着や居室着などを持ってきてくれたので気分が楽になりました。

また、ルポライターが面会に来て、冤罪に間違いないので、一緒に戦いましょうと言うが、
家内らがこれ以上、マスコミで騒がれるのを嫌ったので、結局これらとは関係を絶ちます。
東京拘置所に、弁護士（村上）が面会に来ますが、法の論理が、基本的に違いますので、東京拘置所の職員から言われたアドバイスとおり、保釈請求を毎月提出してもらいます。

告訴人としては、保釈請求だけが、日本人としての唯一の望みです。
だれかが罪刑法定主義に気がついてくれる！

地裁はいつも判で押した結果しかでません。
保釈すると罪刑法定主義で戦われるのを極度におそれていることがわかりますので、
高裁への特別抗告に望みを託します。

高裁は３人の合議制なので、だれか一人でも罪刑法定主義に気がついて欲しいと願っていたのです。弁護士（村上）には、高裁への特別抗告は、法律論で保釈するように求めて欲しいと伝えていました。しかし、結果は誰一人として罪刑法定主義のわかる裁判官はいませんでした。

冤罪の死刑囚が絶望する気持ちが、本当によくわかります。

通常の裁判は事実関係を争うものです。しかし、この裁判は、罪刑法定主義を争うものです。何故、憲法や法に反する違法な行為、それも職権による権利の濫用をやめさせないのか、気が狂うようでした。

それは、現在でも変わりません。「私は偉いのです」とか「一般論で認めろ」とか、
司法による権利の濫用を止めさせるのは、国際社会の支援が必要なのです。

公判が、始まりますので、レフコの顧問弁護士をしていた、
同じ大原法律事務所の年配の弁護士（小野切登）を弁護士に追加します。
弁護士（小野切登）は告訴人は刑事はやらないと言うのです。
やったことがないが、告訴人が気が楽になるのであれば良いですよと言って、
公判には２、３回出席してくれますが期待はずれでした。

告訴人は、大原法律事務所（麹町）として取り組んで欲しいのと、弁護士（村上）への牽制が目的でしたが、日本の司法制度の中で被告訴人である弁護士は何の役にも立っていないことがわかりました。また法律事務所は何人（３０人）いても単なる弁護士の貸机団体なんだということもわかりました。

法律事務所に、罪刑法定主義の弁護を頼んでも無理であれば、
日本国の国民は北朝鮮の国民以下なのだとわかりました。

公判で、告訴人が弁護士（村上）にこう言ったというと、
検察官（中野麻衣）は、弁護士法（注３）違反だと、裁判官に詰め寄る場面もありました。

このあと接見場で、告訴人は「言ってないというからな！」と恫喝されたので、
言った言わないの証拠はありません！弁護士接見も可視化すべきです！

以後、言ったいわないの話はしないことにしました。惨めになるだけです。
それで、法律論に絞ったのです。

ここに書いているんは、このようなことを書くしか証拠がないからです。
しかし、弁護士（村上）の弁護は、罪刑法定主義で弁護をしていません。
警察、検察の職権濫用に迎合していますので、幇助になります。

拘置中には、何冊も、事件の事実や告訴人の罪刑法定主義を書いたノートを郵送しましたが、
護士（村上）は「告訴人に、これを読めというのか・・・！」です。失望しました。

弁護士（村上）は、警察、検察の供述調書がすべて（他に公判の証人供述）だと言います。
失望しました。

一審判決（懲役１年半、罰金１００万円実刑）後、
被告訴人である弁護士は東京地裁の接見場で「告訴人は一審でおりる」「控訴はしておきます」と言って退場します。

告訴人は喜びました。
しかし、すぐにゴールデンウィークに入ります。弁護士を探さなければなりません。
家内に手紙を書いたり、知人一人に手紙を書いて、弁護士を探すように依頼します。

東京拘置所で、弁護士を選任したいのでどうすればよいかを聞きますが、

「拘置所は弁護士紹介所ではない」と言って却下されます。この件は今でも納得いきません。

　そうこうしているように、拘置所から弁護士の委任状を提出するように求められます。

焦ります。そうこうするうちに、弁護士（村上）から「小職が控訴審の弁護を引き続き担当します」との手紙が来ます。

そのうち、家内から、「村上先生が弁護を引き続きやります。」との手紙が来ます。

収監されている身では、どうにもならないのです、涙がポロポロでて止まりませんでした。悔し涙です。

　拘置所に面会にくる家内とは、告訴人の心情を理解してくれないことに、いつも喧嘩ばかりでした。外部の人間に支援して貰うことに嫌悪感を持って反対されたので、諦めました。

息子も面会に来ましたが、告訴人の心情は理解してくれませんでした。

　職権で逮捕、監禁されると言うことは、こういうことなんです。

基本的人権はすべて剥奪されるのです。

裁判官（岡部豪）らが、告訴人を保釈しないということは、こういう意味があるのです。

弁護士選任すら思うようにさせないのです。

弁護士（村上）はスキルが低いので裁判官（岡部豪）らには良きパートナーなのです。

　東京高裁の裁判官に、引き継ぎが終わると、６月２４日保釈されました。

状況がどう変わったと言うのでしょうか。

証拠隠滅のおそれ、逃亡のおそれが、裁判官や検察官がかわると状況が変わるのでしょうか。

まったくアホナ話です。職権濫用もいいとこです。

しかし、これは裁判官の権限ですから、何も言えません。

告訴人は、平成２３辺６月２４日に保釈されましたが、１年以上の監禁で体調を大きく崩し、平成２３年７月上旬に、東京麹町の大原法律事務所での村上弁護士との控訴打ち合わせは、家内に身体補助をしてもらうほど衰弱していましたので、詳細の意見を言えませんでしたが、法の論理は主張しました。しかし法の論理は、非告訴人（村上）が専門だと言い、取り合ってくれませんでしたので、告訴人の趣旨とは違う控訴趣意書になっています。

適用法誤りは控訴審で主張するものですが、告訴人は私の適用法誤りの主張を記載していませんでした。

控訴審の公判は１０分ほどで終わりました。
告訴人の主張（罪刑法定主義）は論議されなかったと記憶していますが、弁護士（村上）には期待していませんでしたが、東京高裁の裁判官には、罪刑法定主義で起訴状や一審の裁判記録から、明らかに罪刑法定主義に反する判決であることが明らかになると期待していましたが、判決には落胆しました。

日本の司法制度では、罪刑法定主義はないのかと思いました。
それで、上告趣意書を自分で作成することにしたのです。
判決後、上告趣旨書の提出にあたって、弁護士（村上）は「出すな」といいますが喧嘩別れをして、告訴人は提出したのです。勿論、体調は悪く、時々嘔吐しながらの作成でした。

最高裁には、高裁または地裁へも差し戻しを狙ったのですが、告訴人の主張（罪刑法定主義）は、最高裁の審議事項（憲法違反、判例違反、重大な事実誤認）には該当せず、単なる適用法の誤りです。刑事訴訟法も罪刑法定主義ですから、涙するしかありませんでした。

罪刑法定主義は、一審で主張すべきです。ミスしても控訴審では主張すべきです。

告訴人の主張（罪刑法定主義）に弁護士（村上）は、原審、控訴審の際の議論で、
そんなこと、「「持論です」で終わりですよ！」と言うので話になりませんでした。

**２．控訴審**

東京拘置所から６月２４日保釈された告訴人は、７月初め、告訴人は告訴人の家内の身体介護を受け被告訴人である大原法律事務所（麹町）へ行き、弁護士（村上）と控訴審の打ち合わせをするが、体調が優れず打ち合わせらしいことは何もできなかった。唯、告訴人は被告訴人に法の論理を言うが「法の論理は私が専門です」と言って聞く耳をもたなかった。

７月中旬頃、控訴趣意書が弁護士（村上）よりメールされてくるが、とても熟読する身体的、精神的な余裕はまったく無かったのです。

憲法 31 条に規定する罪刑法定主義に基づかない不法逮捕であるにもかかわらず、
弁護士職務基本規程（注４）の定める、必要な法令の調査を明確に怠り、また
弁護士法（注３）の定める憲法３１条等の基本的人権を主張して告訴人を擁護せず、
被告訴人である弁護士は告訴人の入管法での適用法誤りを主張するようにとの依頼をも無視して、告訴人を罪刑法定主義で正当に弁護せず、犯罪行為を成す検察官の行為にただただ迎合するだけでした。

訴因（犯罪事実）は入管法の在留資格の取消し（第２２条の４　４項）であり、不法就労に対する幇助理由ではないとの適用法の誤りであることを、法的に一切主張しなかった。
不法就労に対する幇助理由ではないとの適用法の誤りであることを、控訴趣意書で主張していれば、裁判官は、嘘偽告訴であると断定し、無罪の判決、若しくは原審に差し戻し、罪刑法定主義により検察官に起訴取り下げを命じ、公判は終了していた事は自明の理であります。

９月上旬に公判が行なわれたが、弁護士（村上）は裁判官の質問に答えられない場面もあり、裁判官が告訴人に、説明するように告げて、１０分くらいで終了した記憶しかない。
そのあと弁護士会館で、弁護士（村上）より説明を受けたが、体調が悪く殆ど覚えていません。

**第５章　告訴人の被害**

被告訴人らの、日本国法を侮辱する、悪質な虚偽告訴及び職権濫用により、
告訴人は、懲役１年半、罰金１００万円の実刑を受けた。
２０１０年6月１４日に逮捕・監禁され、２０１１年6月２４日に保釈を受け、
２０１２年3月5日に収監され、２０１３年3月１９日に満期出所をしました。

そして、告訴人は、肉体的苦痛や精神的苦痛、社会的信用を失い、会社を自己破産させ、
そして逮捕、長期の拘留などにより、その結果として株式公開準備会社の破産、特許登録の機会消滅や持ち家の消失、会社の連帯保証債務の弁済などで、すべての信用、財産や収入などを失うことになったのです。

また妻子も同様の苦痛を受けたのです。

また告訴人が代表取締役であった株式会社レフコは、当事件を発端として自己破産となり１６５人以上を超える株主は経済的損失と精神的苦痛を受けたのです。日本社会に与える影響は大きいものであります。また関連して中国人民および中国政府や国際社会に与える影響は甚大であります。

告訴人は、この逮捕、監禁によって、逮捕された年の１月に母親を亡くしましたが、
初盆も出来ず、収監により、３回忌も出来ませんでした。

家内は、妹や姪、姪の亭主らより、連帯保証人（妹）として、どうしてくれると恫喝もされていました。告訴人は姪から今でも恫喝されています。は２００３年８月ガンでなくなりました。
姪は癌の因果関係は告訴人にあると言います。勿論、葬儀にいくことはありません。
その後も、告訴人は、今も手紙などで姪から嫌がらせを受けています。

家宅捜査の噂は１、２日で取引先などに伝わり、逮捕の報道は友人などにも伝わり、唾をかけられるほどの仕打ちです。これは、告訴人が、清廉潔白を自負し理屈を言っていたしっぺ返しかもしれませんが、テレビや新聞の報道の怖さを感じます。

中国人もいなくなりました。告訴人に友好的な中国人は、私の話を聞いて、日本が怖くなったと言って中国に帰って行きました。

家宅捜査後、レフコ社がみずほ銀行と三菱 UFJ 銀行より借入れし、告訴人の自宅をみずほ銀行に根担保で差し入れ、そして告訴人、家内と妹が連帯保証して、さらに千葉県信用保証協会の保証を受けている借り入れ分は、レフコ社を自己破産させても、派遣の仕事だけは継続して新会社に移管させ、収入を確保して代位弁済しようとして、
急ぎ設立した、合同会社未来も、逮捕により、完全に無になりました。
警察官（賀来）は、株式会社レフコを倒産に追いやっているにもかかわらず、
合同会社未来の設立を知ると、株式会社レフコは偽装倒産だと言う始末でした。

告訴人は日本国憲法で保証されている、すべての財産権を剥奪されました。
信用、今後の収入もなくし、まだ負債を背負っております。
携帯電話関係の特許２件について特許登録の依頼していましたが、２年以上の特許審査が済、登録が認められましたが、東京拘置所に収監中でしたので、特許事務所も告訴人と連絡が取れず、結局、登録が消滅してしまい、巨額の特許権の販売もなくなりました。

妻子はテレビや新聞の報道により、又、

妻は、容疑者として取調べを受け、精神的な苦痛を受けています。

また経済的には前記した事情により大きな苦痛を受けております。

息子は結婚を延期して、被告人の裁判費用そして、告訴人が連帯保証をし、根抵当を入れていた自宅の任意競売を、借り入れ資金で購入しており、多額の負債を抱えております。

株式会社レフコは、当事件を発端として自己破産となり、

１６５人以上の株主も出資金等で経済的損失と　株式公開の夢が潰れ精神的苦痛をうけたのです。

後述しますが、やっとＶ字回復のチャンスを得たのですが、残念でなりません。

告訴人は、２０１３年3月１９日に満期出所後、体調が優れませんが、

検察官による自発的な再審請求（起訴取り下げ）があり、謝罪の上、財産権の復活をしてくれるのを待っておりましたが、犯罪人特有のずるさで、あくまでも逃げ通すつもりですので、国際社会の助言により司法関係者を「虚偽告訴罪」及び「特別公務員職権濫用罪」で告訴せざるを得ません。

この事件の深刻さは、罪刑法定主義違反という、あってはならない犯罪を、

この事件に関わるすべての司法関係者が、職権の濫用という、あってはならない形式で、

ごく普通に、あたり前のように犯していることです。

ネットを見て、告訴人にメールを送る国際社会の人々は、

日本で、起こったこの事件を信じられないと言います。

日本は、先進国家で法治国家だと、国際社会の人々は思い込んでいたのです。

日本では、事実誤認による冤罪はよく聞く話ですが、この事件は、事実関係ではなく、

犯罪をでっち上げ、ありもしない法律（私法）で逮捕、監禁したのです。

司法関係者による罪刑法定主義を否定する犯罪行為です。

憲法９９条も無視する、国家のあり方さえ否定した犯罪なのです。

憲法や法律を無視して家宅捜査、逮捕、起訴、裁判をしており、

そこにはたくさんの検察官や裁判官が関わっているのに、

そして弁護士がついるのに・・・・・「どうして！」「信じられない！」と言います。

## 第６章　其の他

### Ⅰ．立証方法

１．起訴状

２．日本国憲法、出入国管理及び難民認定法並びに刑法等

３．入管法改正にかかる国会議事録（本会議および委員会等）

（法の創設および改正趣旨）

4．東京地裁判決、東京地裁判決、最高裁決定

### Ⅱ．関係情報

起訴状

（平成２２年東地庁外領第６４８７、６６２４

平成２２年検第１７４６１、１７４６２、２９２１５、２９２１６）

東京地裁判決

平成２３年4月２６日宣告平成２２年特（わ）第１６５５号

控訴趣意書

平成２３年7月２７日平成２２年特（わ）第１６５５号

東京高裁判決

平成２３年9月２２日宣告平成２３年（う）第１０５５号

上告趣意書（告訴人）

２０１１年１１月２９日平成２３年（あ）第１７５６号

上告趣意書（弁護人）

平成２３年１２月6日平成２３年（あ）第１７５６号

最高裁決定

平成２４年1月２３日平成２３年（あ）第１７５６号

異議申立書（告訴人）

平成２４年1月２７日平成２３年（あ）第１７５６号

異議申立書（弁護人）

平成２４年1月２５日平成２３年（あ）第１７５６号

最高裁決定

平成２４年2月2日平成２４年（す）第３８号、第４５号

**Ⅲ．添付書類**

必要な資料は、上記関係情報より取得してください

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