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Mirzayev Freed on Time Served

By Natalya Krainova

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The 26-year-old Dagestani, who had gone undefeated in his two years as a professional fighter, slipped out of the Zamoskvoretsky district courtroom through a back door as crowds of nationalists gathered near the entrance. **Igor Tabakov**

Mixed martial arts fighter Rasul "Black Tiger" Mirzayev, who fatally struck a man who ostensibly made a pass at his girlfriend outside a nightclub in August last year, was convicted of manslaughter but sentenced to time served on Tuesday.

The 26-year-old Dagestani, who had gone undefeated in his two years as a professional fighter, slipped out of the Zamoskvoretsky district courtroom through a back door as crowds of nationalists gathered near the entrance.

At least 10 people were detained outside the court, including nationalist leader Dmitry Dyomushkin, who was charged with attempting to stage an unsanctioned rally and was released hours later pending a future hearing.

With Mirzayev being a Dagestan native, his case sent shock waves through ethnic

communities as Russian nationalists and Dagestani officials vied over what would constitute a suitable punishment.

On Tuesday evening, throngs of policemen, many on horseback, patrolled Ploshchad Revolyutsii and Manezh Square after nationalist groups on social networks called for mass demonstrations. The area, though, was relatively calm by press time.

Sentence

Judge Andrei Fedin told the court that in preparing the sentence he considered a number of mitigating factors, including that Mirzayev had turned himself in, admitted his guilt, tried to help the victim — a 19-year-old student — and offered compensation to the victim's family.

The judge also explained that Mirzayev had no prior convictions and was the parent of a small child. He added that he had found "no circumstances exacerbating Mirzayev's guilt."

With the sentence, the court effectively satisfied the pleas of Mirzayev's lawyer, Alexei Grebenskoi, and Prosecutor Andrei Sergeyev, both of whom had requested a suspended sentence. Manslaughter carries a maximum sentence of two years in prison.

"I can't say we are pleased, but we are satisfied," Grebenskoi told the Rapsi legal news agency after the verdict.

Mirzayev must now return to his hometown of Kizlyar for two years, according to the terms of his sentence. He also cannot visit nightclubs and must register with authorities every three months.

However, a legal adviser to the victim's family later told The Moscow Times that he was doubtful that the sentence would be enforced because Mirzayev had already served about a year in pretrial detention, and by law one day in pretrial detention counts as two days upon sentencing.

Victim's Family

Lawyers for the victim's family had wanted Mirzayev to be tried for intentionally inflicting severe bodily harm, a charge that carries a maximum of 15 years behind bars.

The victim's father, Alexander Agafonov, left the courtroom before the judge finished reading the verdict, which took about two hours and consisted of a summary of all the hearings in the case. Agafonov had interrupted the judge several times asking him to read only the sentence.

"I have been listening to this for a year. ... It is not important for me anymore. May I leave?" he told the judge.

A lawyer for the family told reporters after the verdict was read that the victim's mother had been hospitalized with a suspected blood hemorrhage a day before and remained unconscious.

The lawyer, Oksana Mikhalkina, blamed the mother's condition on the "injustice" surrounding the trial.

'Asphalt Is Guilty'

"At today's hearing I constantly felt like we were in the fairy tale about Pinocchio, not in a legal field but in a field of wonders," Mikhalkina told reporters outside the courtroom.

"Now it turns out that Mirzayev is not guilty but the asphalt is guilty," she said, referring to the medical inquiry that concluded the victim died not from Mirzayev's punch to the head, but from falling on the asphalt as a result of the punch.

Mikhalkina said the Agafonov family would appeal to the Moscow City Court and later the European Court of Human Rights.

Sergei Zhidkov, a legal adviser for the victim's family, told reporters that the court "ruled as had been ordered by the presidential administration." He added, "Our authorities do not want to quarrel with the Dagestani diaspora."

"It means that any one of you can be hit by Mirzayev if he or his girlfriend don't like you," Zhidkov said. "And his girlfriend can be any slut at a nightclub."

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