

## DISTRICT PROSECUTOR'S OFFICE

**Poznań – Old Town**

ul. Solna 10

61-736 Poznań

**Poznań, May 21, 2025**

**Ref. No. 4243-4.Ds.1437.2024**

To:

**Mr. Benjamin Pioske**

(via email)

In response to your email correspondence, I inform you that the proceedings initiated as a result of your notification have been concluded with a **decision to refuse to initiate an investigation** regarding the alleged offense that took place in Poznań — during an undetermined period, but no later than **February 28, 2023** — concerning the **abuse of authority by public officials from the Karol Marcinkowski Medical University in Poznań**, who allegedly obstructed the academic progression of **Benjamin Pioske** and removed him from the student list, thereby acting to his private detriment. This was reported as a potential offense under **Article 231 §1 of the Polish Penal Code**.

The decision to **refuse initiation of the investigation** is attached. Please be informed that the decision is **final**, and the **District Court in Poznań – Old Town** has **denied your request for a court-appointed attorney** (case ref. VIII Kp 1071/24).

You were summoned under **Article 138 of the Code of Criminal Procedure** to provide an address for service within Poland or another EU country (the summons was translated into English), but you failed to provide such an address. As a result, a copy of the decision concluding the proceedings was left in the case file, **with the effect of deemed delivery**.

### **Attachment:**

- Scan of the decision to refuse to initiate an investigation

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## **DECISION**

**Case ref. 4243-4.Ds.1437.2024**

**Poznań, November 8, 2024**

## **DECISION TO REFUSE INITIATION OF AN INVESTIGATION**

**Małgorzata Hampel** – Assessor at the District Prosecutor's Office in Poznań–Old Town,  
Having reviewed the case files concerning a suspected offense under **Article 231 §1 of the Penal Code**,

Pursuant to **Article 305 §1 and §3** and **Article 17 §1 point 2** of the Code of Criminal Procedure,

Hereby decides:

To **refuse to initiate an investigation** regarding:

The alleged abuse of power by public officials at the **Karol Marcinkowski Medical University in Poznań**, who allegedly obstructed the academic progress of **Benjamin Pioske** and removed him from the student list, thereby harming his private interest — an act allegedly constituting the offense described in **Article 231 §1 of the Penal Code**.

This decision is based on **Article 17 §1 point 2** of the Code of Criminal Procedure, due to the conclusion that **the act does not meet the criteria of a criminal offense**.

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## **JUSTIFICATION:**

Mr. **Benjamin Pioske**, via email, reported a suspicion of criminal activity in connection with the functioning of the Medical University in Poznań, where he was a student. He claimed:

- Professors deliberately made foreign students fail exams so they would have to retake and repay.
- Exams were designed so only a small percentage of students could pass.
- The university improperly demanded COVID vaccination.
- Required summer internships were not organized.
- He was discriminated against by other students.

As a result, Mr. Pioske claimed he was left with student loan debt and that his health worsened.

## **Findings of fact:**

- Mr. Pioske is a **U.S. citizen** and was a **medical student** at the University.
- On **February 28, 2023**, he was removed from the list of fifth-year students in the English-language medical program due to **lack of academic progress**: he failed 3rd-year courses, did not complete his summer internship, missed his retake exam, and

did not complete 4th-year courses or exams.

- The decision included information about his **right to appeal to the University Rector**.

Email correspondence shows university staff offered **assistance related to his health**. For internships, they told him where he could apply. However, Mr. Pioske **demanding the university arrange internships**, citing that he paid for them and **threatened legal action**, even though arranging internships is **the student's responsibility**.

The university also **documented inappropriate behavior** from Mr. Pioske — including **throwing equipment** after failing an exam and **disrespectful communication** with coordinators, faculty, and doctors. A conversation was held with him about this behavior.

He was also **excluded from a student-run discussion group** by his peers (not the university), reportedly due to his behavior. The university **engaged with him to try to address the situation**.

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## Legal Evaluation:

According to **Article 303 of the Code of Criminal Procedure**, a criminal case is initiated only when there is **justified suspicion** of a criminal offense. A vague assumption is not enough; there must be **evidence or concrete indications** of a crime. Hunches or unsubstantiated assumptions **do not justify** criminal proceedings.

Article 231 §1 of the Penal Code only applies to **public officials** who abuse their authority or fail in their duties in a way that harms public or private interests.

Despite multiple emails from Mr. Pioske, the case did **not reveal sufficient grounds** to suspect a crime. He did **not present any evidence** suggesting that foreign students were treated worse or showing how officials exceeded their authority during exams.

The **verification proceedings also disproved** the claim that Mr. Pioske was not offered help in arranging internships. On the contrary, a clinic that **accepts foreign students** was suggested.

Regarding COVID vaccination, there was **no evidence of discrimination**. The university offered him a vaccination appointment. Mr. Pioske himself admitted he **learned the legal requirements too late**.

He felt **discriminated against by the academic community**, especially when excluded from a student group — but this was a peer decision, not the university's. The university tried to resolve the matter with him.

In light of the above, it is evident that **no criminal act under Article 231 §1** or any other criminal offense was committed.

Therefore, in accordance with **Article 17 §1 point 2 of the Code of Criminal Procedure**, since the alleged act does **not constitute a criminal offense**, the decision has been made as stated.

Signed,  
**Małgorzata Hampel**

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## **INSTRUCTION:**

1. You have the right to appeal this decision to the court with jurisdiction over the case (Art. 306 §1 and 465 §2 CCP):
  - If you are the aggrieved party.
  - If you are an institution or individual mentioned in Art. 305 §4 CCP and your rights were violated by the alleged crime.
2. The court may either **uphold** or **overturn** the decision and order the prosecutor to perform further actions.
3. If the superior prosecutor later **upholds** the decision, and you have used the **right to appeal twice**, you may **file a private indictment with the court** within **one month** of receiving the prosecutor's notification of decision upholding.
4. Those entitled to appeal may **review the case files**.
5. Appeals must be submitted **through the prosecutor** who issued the decision.

The deadline is **7 days from delivery** of the decision. Late appeals are **ineffective** (Art. 122 §1-2 and Art. 460 CCP).

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## **Delivery Note:**

In accordance with Art. 100 §4, 106, 140, 305 §4, and 306 §1 point 1 CCP, this decision was delivered by **placing it in the case file**, having legal effect.

Signed,  
**Małgorzata Hampel**

