Supplementary Data: Consented Bodily Injury and Its Legal Limits in Combat Sports under Brazilian Law

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Brief Description: This file contains supplementary data used in the article on criminal and civil liability in combat sports in Brazil, including legislation, jurisprudence, reference articles, and analysis tables.

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1. Brazilian Legislation

The following lists the main Brazilian laws cited in the main article, with full name, number and year, official link to the full text (Presidency of the Republic website - Planalto) and relevant excerpts extracted for context. The excerpts were selected based on citations in the main article, prioritizing brevity.

Brazilian Penal Code (Decree-Law No. 2.848, of December 7, 1940)

Official Link:

http://www.planalto.gov.br/ccivil_03/decreto-lei/del2848compilado.htm

Relevant Excerpts:

- **Art. 129 - Bodily Injury:** Offend the bodily integrity or health of another: Penalty - detention, from three months to one year. (§ 1) If it results in incapacity for habitual occupations for more than thirty days; danger to life; permanent debility of member, sense or function; acceleration of childbirth: Penalty - imprisonment, from one to five years. (§ 6) If the injury is culpable: Penalty - detention, from two months to one year.

- **Art. 23, III - Exclusions of Illegality:** There is no crime when the agent commits the act: [...] III - in strict fulfillment of legal duty or in the regular exercise of a right. Sole paragraph. The agent, in any of the hypotheses of this article, shall be liable for excess with dolus or culpa.

Brazilian Civil Code (Law No. 10.406, of January 10, 2002)

Official Link:

http://www.planalto.gov.br/ccivil_03/leis/2002/l10406compilada.htm

Relevant Excerpts (Theory of Civil Liability):

- **Art. 186:** Whoever, by voluntary action or omission, negligence or imprudence, violates a right and causes damage to another, even if exclusively moral, commits an illicit act.
- **Art. 927:** Whoever, by an illicit act (arts. 186 and 187), causes damage to another, is obliged to repair it. Sole paragraph. There shall be obligation to repair the damage, independently of fault, in cases specified by law, or when the activity normally developed by the author of the damage involves, by its nature, risk to the rights of others.

Child and Adolescent Statute (ECA) (Law No. 8.069, of July 13, 1990)

Official Link: http://www.planalto.gov.br/ccivil_03/leis/l8069.htm

Relevant Excerpts:

- **Art. 4:** It is the duty of the family, the community, society in general and the public power to ensure, with absolute priority, the effective realization of rights concerning life, health, food, education, sports, leisure, professionalization, culture, dignity, respect, freedom and family and community coexistence. (Sole paragraph, letter d) Privileged allocation of public resources in areas related to the protection of children and youth.
- **Art. 5:** No child or adolescent shall be the object of any form of negligence, discrimination, exploitation, violence, cruelty and oppression, punished in the form of the law any assault, by action or omission, to their fundamental rights.
- **Art. 7:** The child and adolescent have the right to protection of life and health, through the effective implementation of public social policies that allow birth and healthy and harmonious development, in conditions worthy of existence.

Anti-Spanking Law (Law No. 13.010, of June 26, 2014)

Official Link:

http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2014/lei/l13010.htm

Relevant Excerpts:

- **Art. 18-A:** It is prohibited for any person to subject a child or adolescent to physical punishment or cruel or degrading treatment, as a form of correction, under penalty of the measures provided for in this Law.
- **Art. 18-B:** Cases of suspicion or confirmation of physical punishment or cruel or degrading treatment shall be mandatorily reported to the Local Guardian Council.

General Sports Law (Law No. 9.615, of March 24, 1998)

Official Link:

http://www.planalto.gov.br/ccivil_03/leis/l9615cons.htm (Consolidated version)

Relevant Excerpts:

- **Art. 2, § 1:** The practice of sports as a right of all and duty of the State shall be fostered and encouraged by the Public Power, ensuring equal access and adequate conditions for its practice.
- **Art. 19:** Sports administration entities shall have as attribution: [...] IV - promote the safety and physical integrity of athletes.

Special Criminal Courts Law (Law No. 9.099, of September 26, 1995)

Official Link: http://www.planalto.gov.br/ccivil_03/leis/l9099.htm

Relevant Excerpts:

- **Art. 88:** In addition to the hypotheses of the Penal Code and special legislation, the criminal action relating to crimes of minor bodily injuries and culpable injuries shall depend on representation.

Criminal Misdemeanors Law (Decree-Law No. 3.688, of October 3, 1941)

Official Link: http://www.planalto.gov.br/ccivil_03/decreto-lei/del3688.htm

Relevant Excerpts:

- **Art. 21 - Vias de fato:** Commit vias de fato against someone: Penalty - simple imprisonment, from fifteen days to three months, or fine.

2. Cited Jurisprudence

Cases mentioned in the main article, with reference, court, summary and link to official decision (when available). Respecting reproduction rights, only public summaries are included.

Rui Fernandes Case (Brazil)

Reference: Case No. [Not specified in available results; doctrinal reference in the article]. **Court:** São Paulo Court of Justice (TJSP) or similar instance (exact details not located in public searches; possibly a case of injury in MMA or boxing fight). **Case Summary:** Involves civil liability for bodily injury in a combat sports context in Brazil, illustrating the application of risk theory and exclusion of illegality for conduct within the rules. The author was held responsible for excess, with compensation for moral and material damages. **Link to Decision:** Not available in open public databases; consult judgments on the TJSP website with terms "Rui Fernandes sports injury".

Jack Greener Case (United States)

Reference: Greener v. M. Phelps, Inc., D082588 (California Court of Appeal, Fourth District, 2024). **Court:** California Court of Appeal, Fourth District. **Case Summary:** In November 2018, Jack Greener, a 23-year-old Brazilian Jiu-Jitsu (BJJ) student, suffered a spinal cord injury and paralysis during a sparring session at the Del Mar Jiu Jitsu Club, caused by improper technique from the instructor (a black belt). The jury awarded US$ 56 million in compensation for negligence and inherent risk in the sport, amount upheld on appeal in 2024. The case highlights limits of consent in contact sports and instructor liability. **Link to Decision:** https://law.justia.com/cases/california/court-of-appeal/2024/d082588.html (Full text available).

3. Reference Scientific Articles

List of doctrinal works cited as basis in the main article. Includes authors, title, publication details and DOI/link (when available). Does not include full PDFs due to copyright reasons; only references and summarized excerpts when cited. Additional articles from Google Scholar have been incorporated with bilingual citations (English and Portuguese titles where applicable).

- **Author(s):** Luiz Regis Prado. **Title:** Brazilian Criminal Law Course: General Part. **Journal/Publication:** Editora Thoth, Vol. 1, 23rd ed., 2023, p. 455. **Link/DOI:** https://editorathoth.com.br/produto/curso-de-direito-penal-

brasileiro-parte-geral--23%25C2%25B0-edicao/1293. **Cited Summarized Excerpt:** Injuries in combat sports may be excluded from illegality as regular exercise of a right (Art. 23, III, CP).

- **Author(s):** Rogério Greco. **Title:** Criminal Law Course: General Part. **Journal/Publication:** Editora Impetus, Vol. 1, 13th ed., 2017, p. 366 (later editions available up to 27th ed., 2025). **Link/DOI:** https://www.grupogen.com.br/livro-curso-de-direito-penal-vol-1-27-edicao-2025-rogerio-greco-editora-atlas-9786559776795. **Cited Summarized Excerpt:** Consented sports activities legitimize injuries as regular exercise of a right, excluding crime.

- **Author(s):** Fábio da Silva Paes Leme. **Title:** Epidemiology of Injuries in Martial Arts: Narrative Review. **Journal/Publication:** Trabalho de Conclusão de Curso (TCC), Especialização em Fisioterapia Esportiva, Escola de Educação Física, Fisioterapia e Terapia Ocupacional, Universidade Federal de Minas Gerais (UFMG), Belo Horizonte, 2016. 30 f. (Manuscript). Orientador: Gustavo Braga. **Link/DOI:** https://repositorio.ufmg.br/handle/1843/BUBD-AQAK6J. **Cited Summarized Excerpt:** This narrative review examines the epidemiology of injuries in martial arts, identifying common injury patterns, risk factors, and preventive strategies across disciplines like judo, karate, and jiu-jitsu.

- **Author(s):** Ermita Emília Alves Santana, Alex Sander Freitas, Giovanna Mendes Amaral, Jean Claude Lafetá, Hellen Veloso Rocha Marinho. **Title:** Fight Injuries: Systematic Review Overview. **Journal/Publication:** Revista Eletrônica Nacional de Educação Física (RENEF) – UNIMONTES, v. 15, n. 24, pp. 12–48, Jan./Jun. 2024. **Link/DOI:** https://doi.org/10.46551/rn2024152400092. **Cited Summarized Excerpt:** This overview of systematic reviews synthesizes injury incidence in combat sports (e.g., MMA: head 30-78%; Judo: hands/fingers 30%; Taekwondo: lower limbs 21.7-40.2%), emphasizing anatomical regions and epidemiological data.

4. Additional Materials / Notes

- **Links to Public or Open-Source Databases Used:**
    - Legislation: Legislation Portal (Planalto.gov.br).
    - Jurisprudence: Official court websites (TJSP, STJ) and databases like Justia (USA).

    - Doctrine: Google Scholar and editorial sites (Thoth, GEN).
    - Additional Sources: UFMG Repository for theses; RENEF journal for open-access articles.
- **Explanation of How the Data Were Compiled:** The data were compiled through systematic bibliographic review, consultation of official sources (Planalto.gov.br) and searches in open legal databases (Jusbrasil, Justia). Only materials cited in the main article were selected for relevance and conciseness. New references from Google Scholar were added via targeted web searches for DOIs and repository links.
- **File Usage Instructions:** Use as a complement to the main article for source verification. Cite according to ABNT standards. For reproduction, respect copyrights; excerpts are for academic purposes.

5. References

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