SPC Guiding Case No. 12: Case of Li Fei for intentional homicide

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Keywords

Criminal / crime of intentional homicide / triggered by civil disputes / relatives assisting in apprehension / repeat offender / death sentence with a two-year reprieve / restriction on sentence reduction

Holding

In a case of intentional homicide triggered by civil disputes, where the defendant's criminal means were cruel and the defendant is a repeat offender, so that, on the merits, the death penalty should be imposed, but the defendant's relatives voluntarily assisted the public security organs in apprehending the defendant and actively compensated, the people's court may, in light of the specific circumstances of the case and from the perspective of resolving social conflicts as much as possible, lawfully sentence the defendant to death with a two-year reprieve, and at the same time decide to restrict sentence reduction.

Basic Facts

On April 14, 2006, the defendant Li Fei was sentenced to two years of fixed-term imprisonment for the crime of theft, and was released upon completion of his sentence on January 2, 2008. In April 2008, through the introduction of another person, Li Fei established a romantic relationship with the victim Xu XX (female, deceased at age 26). In August of the same year, the two broke up after frequent quarrels. On August 24, when the local public security organ went to Li Fei's workplace to establish a key-person file for Li Fei, his work unit learned that Li Fei had previously been sentenced for a crime and, on that ground, terminated Li Fei's work. Li Fei believed that his termination was related to Xu XX.

At about 21:00 on September 12 of the same year, the defendant Li Fei called Xu XX's mobile phone. Because Xu XX was out, her cousin Wang XX (the victim, aged 16 at the time) answered the call and told Li Fei that Xu XX had gone out. Li Fei then called Xu XX's mobile phone several more times without getting through. At about 23:00 on the same day, Li Fei went near the "Little Angel Image Design Studio" operated by Xu XX in Hulan District, Harbin, and again called Xu XX's mobile phone, quarreling with her over the phone. Li Fei then broke down the door and entered Xu XX's bedroom inside the "Little Angel Image Design Studio," and used an iron hammer in the room to strike Xu XX on the head multiple times and to strike Xu XX's cousin Wang XX on the head and hands several times. A short time later, Li Fei again used the iron hammer to strike Xu XX and Wang XX on the head successively, causing Xu XX to die on the spot and Wang XX to suffer minor injuries. To prevent Tong XX, an apprentice at the "Little Angel Image Design Studio" who was present, from reporting to the police, Li Fei took the mobile phones of Xu XX, Wang XX, and Tong XX away from the scene and discarded them, then fled. At about 22:00 on September 23 of the same month, Li Fei went to the home of his aunt Li XX and asked his aunt to relay a message to his mother Liang XX to send money. Upon learning of this, Liang XX promptly reported to the public security organ, and on the following evening assisted the public security organ in apprehending Li Fei, who had come to his aunt's home to collect the money. During the trial of this case, Li Fei's mother, Liang XX, paid RMB 40,000 in compensation on his behalf to the victim's relatives.

Judgment

On April 30, 2009, the Harbin Intermediate People's Court of Heilongjiang Province rendered Criminal Judgment (2009) Ha Xing Er Chu Zi No. 51, finding the defendant Li Fei guilty of the crime of intentional

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homicide and sentencing him to death with deprivation of political rights for life. After the judgment was pronounced, Li Fei appealed. On October 29, 2009, the Heilongjiang Provincial High People's Court rendered Criminal Ruling (2009) Hei Xing San Zhong Zi No. 70, dismissing the appeal and affirming the original judgment, and submitted the case to the Supreme People's Court for approval in accordance with the law. Based on the facts confirmed upon review and the circumstance of the defendant's mother assisting in his apprehension, the Supreme People's Court rendered Criminal Ruling (2010) Xing Wu Fu 66820039, declining to approve the death sentence of the defendant Li Fei and remanding the case to the Heilongjiang Provincial High People's Court for retrial. After retrial in accordance with the law, on May 3, 2011, the Heilongjiang Provincial High People's Court rendered Criminal Judgment (2011) Hei Xing San Zhong Zi No. 63, modifying the sentence for the crime of intentional homicide to death with a two-year reprieve and deprivation of political rights for life, and at the same time deciding to restrict sentence reduction.

Reasoning

After retrial, the Heilongjiang Provincial High People's Court held as follows. The defendant Li Fei's conduct constituted the crime of intentional homicide; the crime was extremely serious, and, on the merits, the death penalty should be imposed. This case was a crime triggered by civil disputes. After the case occurred, Li Fei's mother, Liang XX, upon learning of Li Fei's whereabouts after the homicide, voluntarily and promptly reported the situation to the public security organ and actively cooperated with the public security organ in apprehending Li Fei and bringing him to justice. Li Fei complied and was brought to justice when apprehended by the public security organ, offered no resistance, and, after being brought to justice, truthfully confessed his criminal facts throughout with a good attitude toward admitting guilt. During the trial of this case, Li Fei's mother compensated the victim's economic losses on his behalf. Although Li Fei was a repeat offender, the circumstances of his previous theft crime were relatively minor. Comprehensively considering the above circumstances, Li Fei could be given lenient punishment as appropriate, and the death penalty could be imposed without immediate execution. At the same time, in view of the fact that his means of intentional homicide were cruel, that he was a repeat offender, and that the victim's relatives did not grant forgiveness, Li Fei was lawfully sentenced to death with a two-year reprieve, with a restriction on sentence reduction decided at the same time.

Relevant Legal Provisions

Article 50, paragraph 2 of the Criminal Law of the People's Republic of China.

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