SPC Guiding Case No. 4: Case of Wang Zhicai for intentional homicide

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Keywords

Criminal / crime of intentional homicide / triggered by a romantic relationship dispute / confession and repentance / death sentence with a two-year reprieve / restriction on sentence reduction

Holding

In a case of intentional homicide triggered by the intensification of a romantic or marital dispute, where the defendant's criminal means were cruel and, on the merits, the death penalty should be imposed, but the defendant has circumstances warranting lighter punishment such as truthful confession, repentance, and active compensation, while the victim's relatives demand severe punishment, the people's court may, in light of the nature of the case, the circumstances of the crime, the harmful consequences, and the defendant's subjective malignity and personal danger, lawfully sentence the defendant to death with a two-year reprieve, and at the same time decide to restrict sentence reduction, so as to effectively resolve social conflicts and promote social harmony.

Basic Facts

The defendant Wang Zhicai and the victim Zhao XX (female, deceased at age 26) established a romantic relationship while classmates at the Weifang Vocational College of Science and Technology in Shandong Province. In 2005, after graduating and beginning work, Wang Zhicai maintained the relationship while Zhao XX was admitted to Qufu Normal University in Shandong Province to continue her studies toward a bachelor's degree. After Zhao XX graduated and began work in 2007, Wang Zhicai and Zhao XX discussed marriage. Because Zhao XX's family did not agree, Zhao XX repeatedly proposed breaking up, but, under Wang Zhicai's persistence, the two continued to maintain contact. At noon on October 9, 2008, Wang Zhicai again raised the subject of marriage and romance in Zhao XX's dormitory. Because Zhao XX clearly stated that the two could not be together, Wang Zhicai felt despair and, in anger, formed the intent to kill Zhao XX and then commit suicide. He picked up a single-edged sharp knife in Zhao XX's dormitory and repeatedly stabbed Zhao XX in the neck, chest, abdomen, and back, causing her death from hemorrhagic shock. At about 8:30 the next morning, Wang Zhicai attempted suicide by ingesting pesticide but failed, and was arrested and brought to justice by the public security authorities. Wang Zhicai had previously behaved well, truthfully confessed his crime after being brought to justice, and actively compensated together with his relatives, but failed to reach a compensation agreement with the victim's relatives.

Judgment

On October 14, 2009, the Weifang Intermediate People's Court of Shandong Province rendered Criminal Judgment (2009) Wei Xing Yi Chu Zi No. 35, finding the defendant Wang Zhicai guilty of the crime of intentional homicide and sentencing him to death with deprivation of political rights for life. After the judgment was pronounced, Wang Zhicai appealed. On June 18, 2010, the Shandong Provincial High People's Court rendered Criminal Ruling (2010) Lu Xing Si Zhong Zi No. 2, 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, the Supreme People's Court rendered Criminal Ruling (2010) Xing San Fu 22651920, declining to approve the death sentence of the defendant Wang Zhicai and

remanding the case to the Shandong Provincial High People's Court for retrial. After retrial in accordance with the law, on May 3, 2011, the Shandong Provincial High People's Court rendered Criminal Judgment (2010) Lu Xing Si Zhong Zi No. 2-1, 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 Shandong Provincial High People's Court held as follows. The defendant Wang Zhicai's conduct constituted the crime of intentional homicide; the crime was extremely serious, and, on the merits, the death penalty should be imposed. In view of the fact that the case was triggered by a romantic relationship dispute; that Wang Zhicai killed out of anger after his marriage proposal was rejected; that he truthfully confessed and repented after being brought to justice and actively compensated the victim's economic losses; and that he had previously behaved well, the death penalty could be imposed without immediate execution. At the same time, considering that Wang Zhicai's means of intentional homicide were especially cruel, that the victim's relatives did not grant forgiveness and demanded severe punishment according to law, and in order to effectively resolve social conflicts, pursuant to Article 50, paragraph 2 of the Criminal Law of the People's Republic of China and other provisions, Wang Zhicai was sentenced to death with a two-year reprieve, and a restriction on sentence reduction was 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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