SPP Guiding Case No. 245: Supervision case on the sentence reduction of Chen Mou

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Decided at the 64th and 66th meetings of the 14th Procuratorial Committee of the Supreme People's Procuratorate on December 5 and December 19, 2025, respectively; issued on December 30, 2025.

Keywords

Supervision of the execution of punishment / unresolved case before imprisonment / new judgment rendered / starting time of sentence reduction / date of execution of the original judgment

Holding

Where, during the execution of punishment, a people's court renders a new judgment on an offense that had already been placed on file for investigation before the pronouncement of the original judgment and for which the offender had truthfully confessed, when the offender first applies for sentence reduction, the starting time of the sentence reduction shall be calculated from the date of execution of the original judgment. In handling sentence reduction supervision cases, people's procuratorates shall comprehensively examine the starting time of sentence reduction as determined by the prison, whether the offender meets the conditions for sentence reduction, and whether the extent of the reduction is appropriate, so as to safeguard the fairness and justice of the execution of punishment.

Basic Facts

The offender, Chen Mou, male, born in 1980, was formerly a third-level sergeant at a police station of the Lizhou Branch of the Guangyuan Public Security Bureau, Sichuan Province.

On June 4, 2019, Chen Mou was placed on file for investigation by the Supervisory Committee of Lizhou District, Guangyuan City, for suspected serious duty-related violations, and a decision to take detention measures was made on the same day. On September 21, 2020, he was sentenced by the People's Court of Lizhou District, Guangyuan City, Sichuan Province, to a fixed-term imprisonment of five years and six months for the crime of bending the law for personal gain. Chen Mou had no objection to the charged offense, but appealed on the ground that the sentence was excessive. Upon trial, the Guangyuan Intermediate People's Court, Sichuan Province, held that the first-instance sentence was appropriate and ruled on December 10, 2020, to reject the appeal and affirm the original judgment. On January 27, 2021, Chen Mou was delivered to Jintang Prison, Sichuan Province, to serve his sentence. Before the pronouncement of the judgment for the crime of bending the law for personal gain, Chen Mou had been placed on file for investigation by the public security organ on August 9, 2020, for suspected harboring a mafia-style organization. During the execution of punishment, Chen Mou was sentenced by the People's Court of Wangcang County, Sichuan Province, on December 30, 2022, to a fixed-term imprisonment of three years for the crime of harboring a mafia-style organization, to be combined with the previous crime of bending the law for personal gain, with a decided fixed-term imprisonment of eight years, running from June 4, 2019, to June 3, 2027 (the period of pre-trial detention was offset against the term of imprisonment).

Procuratorate Performance of Duties

Examination of the recommendation for sentence reduction. On October 11, 2023, Jintang Prison, Sichuan Province, on the ground that Chen Mou had served more than two years of his sentence and had shown signs of genuine repentance, recommended a sentence reduction to the Chengdu Intermediate People's Court and copied the recommendation to the People's Procuratorate of Chengdu City, Sichuan Province.

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Upon examination, the People's Procuratorate of Chengdu City held that Article 6(1) of the Provisions of the Supreme People's Court on the Specific Application of Law in Handling Sentence Reduction and Parole Cases provided that the starting time for sentence reduction of a fixed-term imprisonment shall be calculated from the date of execution of the judgment. However, there was no express provision on how to calculate the starting time of sentence reduction for a case where a combined punishment for multiple crimes was imposed during the execution of punishment due to an omitted offense or an unresolved case before imprisonment. In this case, the judicial organs had already known of the criminal facts of Chen Mou's harboring a mafia-style organization before the pronouncement of the original judgment, but had not handled the cases jointly because it was necessary to await the trial result of a related case. During the execution of punishment, the procuratorate prosecuted that offense, and the court imposed a combined punishment for multiple crimes in accordance with Article 70 of the Criminal Law. In such a situation, because there was no express provision on whether the starting time of sentence reduction should be calculated from the date of execution of the original judgment or from the date of determination of the new judgment, different prisons had divergent understandings when recommending sentence reductions.

Investigation and verification. To ascertain whether Chen Mou met the conditions for sentence reduction, the People's Procuratorate of Chengdu City carried out the following investigation and verification: first, it investigated the circumstances of the execution of Chen Mou's punishment and whether he had shown signs of repentance. It obtained materials such as the notice of execution of the offender, the prison admission registration form, the score assessment ledger, and the education and reform registration, and questioned supervisory police officers, finding that Chen Mou had been able to admit guilt and repent during his imprisonment, consciously comply with laws and regulations and prison rules, receive education and reform, and actively participate in labor, meeting the requirement of "showing signs of genuine repentance." Second, it investigated and verified the circumstances of the investigation and trial of Chen Mou's original case. It obtained materials such as the case-filing registration, the criminal judgment, and the offender's statement, and asked the original case-handling organ about the investigation process, finding that during the investigation of Chen Mou's case of bending the law for personal gain, the local supervisory organ had already obtained clues about the case of harboring a mafia-style organization and had transferred the clues to the public security organ for case filing and investigation. The People's Court of Lizhou District, Guangyuan City, Sichuan Province, did not jointly try the multiple offenses committed by Chen Mou, but sentenced Chen Mou solely for the crime of bending the law for personal gain, and he was delivered for execution on January 27, 2021. During the execution of Chen Mou's punishment, the People's Court of Wangcang County, Sichuan Province, rendered a judgment on December 30, 2022, on his crime of harboring a mafia-style organization. Third, it investigated and verified the reason why Chen Mou's two offenses were not tried jointly. Upon inquiry with the original case-handling organ, the judicial organs had already known of the criminal facts of his harboring the head of a mafia-style organization, Xu Mou, in operating a gambling house, and Chen Mou had consistently confessed to those criminal facts, but because Xu Mou's case had not yet been decided, Chen Mou could not be convicted until the judgment in that case, and therefore it had not been tried jointly with the crime of bending the law for personal gain.

Procuratorial opinions. After examination, the procuratorial organ held that where an offender was subjected to a combined punishment for multiple crimes during his imprisonment due to an unresolved case before imprisonment, and there was no circumstance of obstructing litigation after imprisonment, this did not affect the evaluation of the offender's signs of repentance during imprisonment. According to Article 7(1) of the Provisions of the Supreme People's Court on the Specific Application of Law in Handling Sentence Reduction and Parole Cases, Chen Mou, who was subjected to a combined punishment of eight years' fixed-term imprisonment for the crimes of bending the law for personal gain and harboring a mafia-style organization, could be granted a sentence reduction only after serving more than two years. Chen Mou had already served more than two years from the date of delivery for execution of the original judgment, and met the conditions for sentence reduction. On January 29, 2024, the People's Procuratorate of Chengdu City

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issued a procuratorial opinion agreeing to the sentence reduction of the offender Chen Mou.

Outcome of supervision. On April 28, 2024, the Chengdu Intermediate People's Court lawfully ruled to reduce the sentence of the offender Chen Mou by five months, with the term running from June 4, 2019, to January 3, 2027.

Guiding Significance

Where, during the execution of punishment, a people's court renders a new judgment on other offenses that had already been placed on file for investigation before the pronouncement of the original judgment and for which the offender had truthfully confessed, when the offender first applies for sentence reduction, the starting time of the sentence reduction shall be calculated from the date of execution of the original judgment. Where, during the execution of punishment, a people's court renders a new judgment on offenses already known to the judicial organs and imposes a combined punishment for multiple crimes in accordance with Article 70 of the Criminal Law, determining the starting time of the offender's sentence reduction from the date of execution of the original judgment is conducive to safeguarding the fairness of the execution of punishment, stabilizing the offender's expectation of reform, and improving the effect of education and correction, and conforms to the basic legal principles of calculating the term of punishment, and also reflects the criminal policy of combining leniency with severity, and is conducive to safeguarding the fairness and justice of the execution of punishment and to realizing the organic unity of political effects, legal effects, and social effects. Where an offender truthfully confesses to other unresolved criminal facts already known to the judicial organs, and conscientiously complies with prison rules and receives education and reform during the execution of punishment, he or she shall be lawfully determined to have shown signs of genuine repentance. In handling sentence reduction supervision cases, people's procuratorates shall exercise legal supervision over the starting time of sentence reduction as determined by the prison, whether the offender meets the conditions for sentence reduction, and whether the extent of the reduction is appropriate, so as to safeguard the fairness and justice of the execution of punishment.

Relevant Legal Provisions

Articles 70 and 78 of the Criminal Law of the People's Republic of China.

Article 273(2) of the Criminal Procedure Law of the People's Republic of China (2018 Amendment).

Articles 635 and 636 of the Criminal Procedure Rules of the People's Procuratorates (Gao Jian Fa Shi Zi [2019] No. 4).

Article 6(1) and Article 7(1) of the Provisions of the Supreme People's Court on the Specific Application of Law in Handling Sentence Reduction and Parole Cases (Fa Shi [2016] No. 23).

Article 34(1) of the Provisions of the Ministry of Justice on the Work of Scoring and Assessing Offenders in Prisons (Si Gui [2021] No. 3).

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