SPP Guiding Case No. 246: Supervision case on the sentence reduction of Wang Moumou

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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 / changed judgment upon retrial / original sentence reduction ruling automatically lapsed / re-ruling on sentence reduction / determination of signs of repentance

Holding

Where a changed judgment upon retrial causes the original sentence reduction ruling to automatically lapse, except where the retrial declares the offender not guilty, the people's procuratorate shall supervise the punishment execution organ to promptly report to the people's court for a new ruling on whether to grant a sentence reduction. For a re-reported application for sentence reduction, the people's procuratorate shall comprehensively examine the evidentiary materials on which the original sentence reduction ruling was based; where it is found that the evidence proving the offender's signs of repentance is doubtful and cannot be reasonably explained, and the offender cannot be determined to have shown signs of genuine repentance, it shall lawfully propose a procuratorial opinion recommending against sentence reduction.

Basic Facts

The offender, Wang Moumou, male, born in 1980, a farmer.

Wang Moumou jointly committed the crime of intentional injury with another person. The People's Court of Xiqing District, Tianjin, determined that Wang Moumou constituted voluntary surrender, and on July 2, 2012, sentenced Wang Moumou to a fixed-term imprisonment of four years and six months for the crime of intentional injury, and ordered Wang Moumou to pay the plaintiff in the incidental civil action compensation of more than 120,000 yuan. After the first-instance judgment was pronounced, Wang Moumou's co-defendant appealed. On November 2, 2012, the Tianjin First Intermediate People's Court ruled to reject the appeal and affirm the original judgment. On December 6, 2012, Wang Moumou was delivered to Jinxi Prison, Tianjin, to serve his sentence, and was later transferred to Ligang Prison, Tianjin. On March 31, 2015, the Tianjin First Intermediate People's Court ruled to reduce Wang Moumou's fixed-term imprisonment by one year. On April 30, 2015, Wang Moumou was released upon completion of his sentence. Because the victim complained, and upon the procuratorate's protest, the People's Court of Xiqing District, Tianjin, upon retrial on January 22, 2024, determined that Wang Moumou did not constitute voluntary surrender, affirmed the original conviction and the incidental civil compensation item, and changed the judgment to a fixed-term imprisonment of five years for Wang Moumou; at the same time, it determined that the original sentence reduction ruling automatically lapsed, with the term running from February 2, 2024, to August 1, 2025. On April 24, 2024, Wang Moumou was delivered to Jinxi Prison, Tianjin, to serve his sentence, and on May 15 of the same year, he was transferred to Hexi Prison, Tianjin (hereinafter referred to as Hexi Prison).

Procuratorate Performance of Duties

Discovery of clues. In July 2024, the First Branch of the People's Procuratorate of Tianjin (hereinafter referred to as the Tianjin First Branch) discovered, in the course of routine supervision, that after Wang Moumou's changed judgment upon retrial, the prison had not reported to the court for a new ruling on whether to grant a sentence reduction.

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Investigation and verification. The Tianjin First Branch carried out investigation and verification around whether the prison had reported for a new sentence reduction ruling for Wang Moumou and whether Wang Moumou met the conditions for sentence reduction: first, it verified the circumstances of the prison's report for a new sentence reduction ruling for Wang Moumou. Upon reviewing the files and learning from relevant personnel, it found that Wang Moumou belonged to the situation where the original sentence reduction ruling automatically lapsed due to a changed judgment upon retrial; according to Article 32(2) of the Provisions of the Supreme People's Court on the Specific Application of Law in Handling Sentence Reduction and Parole Cases, where the original sentence reduction ruling automatically lapses due to a changed judgment upon retrial, the prison shall, after the retrial judgment takes effect, promptly report to the court for a new ruling on whether to grant a sentence reduction; however, Hexi Prison had not lawfully and promptly reported to the people's court for a new ruling, in violation of the above provisions. Second, it comprehensively examined the evidentiary materials on which Wang Moumou's original sentence reduction ruling was based. Upon examination, it found that Wang Moumou had committed the crime of intentional injury, had two prior criminal records and was a repeat offender, and that during his imprisonment, five self-written materials reflecting his attitude of admitting guilt and repenting, such as the "Semi-annual Review and Appraisal Form" and ideological reports, were not written in the same handwriting. Wang Moumou could not reasonably explain the inconsistency in the handwriting of the self-written materials. Upon entrusting the Judicial Appraisal Center of the People's Procuratorate of Tianjin to conduct handwriting appraisal, four of the self-written materials were not written by Wang Moumou himself. Third, it investigated Wang Moumou's education level and whether he had the ability to write. Upon questioning Wang Moumou and the supervisory police officers, and reviewing the sentence reduction case file of that year, it found that Wang Moumou had the ability to write and that there was no special reason why he could not write.

Supervision opinions. After investigation, the Tianjin First Branch, in July 2024, supervised Hexi Prison to initiate the procedure for re-reporting to the court for a sentence reduction ruling. On September 19, 2024, Hexi Prison sought the procuratorial organ's opinion on the proposed recommendation to reduce Wang Moumou's sentence by nine months. After comprehensively examining the evidentiary materials on which Wang Moumou's original sentence reduction ruling was based, the Tianjin First Branch held that the existing evidentiary materials could not determine that the offender Wang Moumou had shown signs of genuine repentance, and that Wang Moumou did not meet the conditions for sentence reduction; on October 17, 2024, it issued a procuratorial opinion to Hexi Prison recommending against granting Wang Moumou a sentence reduction. Hexi Prison adopted the procuratorial opinion, and on November 4, 2024, reported to the Tianjin First Intermediate People's Court for a new ruling, recommending that the offender Wang Moumou not be granted a sentence reduction.

Outcome of supervision. On December 11, 2024, the Tianjin First Intermediate People's Court adopted the recommendation of Hexi Prison not to grant a sentence reduction and the procuratorial opinion, and ruled not to grant Wang Moumou a sentence reduction.

Guiding Significance

Where the original sentence reduction ruling automatically lapses due to a changed judgment upon retrial, except where the retrial declares the offender not guilty, the people's procuratorate shall supervise the punishment execution organ to promptly report to the people's court for a new ruling on whether to grant a sentence reduction, and shall comprehensively examine whether the offender meets the conditions for sentence reduction, and lawfully propose a procuratorial opinion. According to the relevant provisions, where a retrial judgment changes the original judgment or ruling, the original sentence reduction ruling automatically lapses. The punishment execution organ shall promptly report to the people's court with jurisdiction for a new ruling on whether to grant a sentence reduction. Where a people's procuratorate discovers that the punishment execution organ has not promptly initiated the reporting procedure in accordance with the above provisions, it shall supervise in accordance with law. For cases in which the

punishment execution organ re-reports for a sentence reduction ruling, the procuratorial organ shall conduct substantive examination of the evidentiary materials on which the original sentence reduction ruling was based, and comprehensively judge whether the offender meets the conditions for sentence reduction in light of the nature of the offender's crime, the degree of social harm, the performance of reform during imprisonment, and other circumstances. Where there is doubt about the evidence proving that the offender has shown signs of genuine repentance, investigation and verification shall be conducted. Where the offender cannot be determined to have shown signs of genuine repentance, a procuratorial opinion recommending that the people's court rule not to grant a sentence reduction shall be lawfully proposed.

Relevant Legal Provisions

Article 78 of the Criminal Law of the People's Republic of China.

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

Articles 32 and 34 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 5(2) of the Opinions of the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security, and the Ministry of Justice on Strengthening the Substantive Trial of Sentence Reduction and Parole Cases (Fa Fa [2021] No. 31).

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