SPP Guiding Case No. 257: Case of Chen Mou for robbery (retrial protest)

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Decided at the 74th meeting of the 14th Procuratorial Committee of the Supreme People's Procuratorate on April 3, 2026; issued on July 15, 2026.

Keywords

Retrial protest / robbery / course of detection / recantation / use of fingerprints

Holding

In handling criminal protest cases, emphasis shall be placed on examining and judging evidence by starting from the course of detection and the patterns of criminal investigation, strengthening the construction of the evidence system, and accurately identifying the criminal suspect and determining the circumstances of the crime. The probative value of objective evidence extracted from the crime scene shall be fully revealed so as to better restore the details of the case facts. Statements made by a defendant before and after recantation shall be comprehensively examined; after excluding unlawful means of evidence collection, the defendant's statement corroborated by other evidence shall be admitted. Attention shall be paid to examining the contradictions and mutual corroboration among the statements of defendants in a joint crime, so as to accurately determine the facts of the case.

Basic Facts

The original defendant, Chen Mou, male, born in July 1977, unemployed. He had previously been sentenced to a fixed-term imprisonment of ten months, suspended for one year, for the crime of concealing or withholding the proceeds of crime, and to a fixed-term imprisonment of seven years for the crime of theft.

The victim, Gong Moumou, female, died at the age of 34.

The victim, Zhang Mou, male, died at the age of 10, and was the son of Gong Moumou.

On the night of April 10, 1997, the defendant Chen Mou, riding a motorcycle and carrying the defendant Meng Mouliang, went to the home of the victim Gong Moumou in Zhangzhuang Village, Duqiao Township, Jingxian County, Hebei Province, with the intent to steal property. The two climbed over the wall on the east side of Gong Moumou's home and entered the yard. Chen Mou pried open the window of the west room of the north house with his fingers, and the two entered the room through the window. While rummaging for property in the east bedroom, they found Gong Moumou, who was sleeping in the bed, waking up. Meng Mouliang ran to the doorway by the west wall of the bedroom. Chen Mou, fearing discovery, struck Gong Moumou's head, face, and other parts multiple times with a lethal weapon, causing her death, and then pressed the neck of Zhang Mou, who had been awakened by the commotion beside the bed, causing his death. Meng Mouliang witnessed the process of Chen Mou killing Gong Moumou and Zhang Mou. The two carried stolen items such as a video recorder out of the yard, locked the gate, and Chen Mou fled on the motorcycle carrying Meng Mouliang. According to expert examination, Gong Moumou died of brain dysfunction caused by cerebral contusion and laceration, subarachnoid hemorrhage, and subdural hemorrhage resulting from repeated blows to the right side of her head and face by another person using an axe-type blunt object; Zhang Mou died of asphyxiation caused by another person pressing his neck.

In 2014, the public security organ identified Chen Mou by screening and comparing a fingerprint database. On June 11, 2015, the People's Procuratorate of Hengshui City, Hebei Province, initiated a public prosecution against Chen Mou for the crime of robbery and Meng Mouliang for the crime of harboring stolen

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goods (Article 172 of the Criminal Law of the People's Republic of China of 1979), and on November 27 of the same year, amended the prosecution against Chen Mou and Meng Mouliang to the crime of robbery. On March 2, 2016, the Hengshui Intermediate People's Court sentenced the defendant Chen Mou to death, with deprivation of political rights for life and confiscation of all personal property, for the crime of robbery, and sentenced the defendant Meng Mouliang to a fixed-term imprisonment of three years for the crime of unlawfully entering another person's residence. After the judgment was pronounced, the defendant Chen Mou appealed, while Meng Mouliang did not appeal.

On March 11, 2016, the People's Procuratorate of Hengshui City, considering that the court had wrongly characterized Meng Mouliang's conduct and imposed a clearly lenient sentence, filed a protest on the ground that Meng Mouliang constituted an accomplice in the crime of robbery. The People's Procuratorate of Hebei Province supported the protest. On December 29 of the same year, the Hebei Higher People's Court, on the ground that some facts were unclear, ruled to revoke the original judgment and remand the case for retrial. On April 26, 2018, the Hengshui Intermediate People's Court formed a new collegial panel and, after trial, held that in the course of joint theft, Chen Mou had killed to silence the victims for fear that the crime would be exposed; his subjective purpose was to deprive others of life, and objectively the two victims had not attempted to apprehend him at the time of the assault, so his conduct did not meet the constituent elements of the transformed crime of robbery, and should be characterized as the crime of intentional homicide. It sentenced the defendant Chen Mou to death with a two-year reprieve, with deprivation of political rights for life, for the crime of intentional homicide, and sentenced the defendant Meng Mouliang to a fixed-term imprisonment of three years for the crime of intentional homicide. After the judgment was pronounced, the defendants Chen Mou and Meng Mouliang appealed.

On December 18, 2018, the Hebei Higher People's Court, after trial, held that the main basis for the original judgment's finding that Chen Mou and Meng Mouliang committed the crime of intentional homicide was the guilty statements of the two appellants during the investigation stage and a fingerprint extracted from the scene confirming that it was left by Chen Mou. However, Chen Mou recanted, and Meng Mouliang also recanted and denied witnessing Chen Mou's killing; moreover, their guilty statements were contradictory in many details such as whether Meng Mouliang was among the participants in the crime, whether the instrument of crime was an axe-type blunt object or a hammer, and the type, quantity, and whereabouts of the stolen property; Chen Mou's statement of merely covering the victim's mouth and nose contradicted the injuries recorded in the autopsy report of the victim Zhang Mou, including subcutaneous hemorrhage in the left groin and the right perineum and skin avulsion on the left forearm; although one of the fingerprints extracted from the scene was found to have been left by Chen Mou, other fingerprints could not be identified, so a reasonable doubt that another person had entered and left the scene during the period of the crime could not be ruled out; neither the instrument of crime nor the stolen goods involved was found; footprints and some fingerprints extracted from the scene had been lost; and physical evidence such as bloodstains and bloody water at the scene had not been extracted. The original judgment did not meet the standard of proof of reliable and sufficient evidence, and the facts of the crime were unclear and the evidence insufficient; it therefore reversed the judgment and acquitted Chen Mou and Meng Mouliang.

Procuratorate Performance of Duties

(1) Requesting and filing the protest

After receiving the acquittal judgment, the People's Procuratorate of Hebei Province additionally obtained evidence on the subsequent use of the stolen video recorder, proving that Chen Mou had used the video recorder at a storefront, and verified the legality of the interrogation and the authenticity of Chen Mou's statements and defenses and other relevant evidence. After discussion by the Procuratorial Committee, it held that the evidence on file had formed a complete chain proving the fact that the two had jointly committed robbery. On September 26, 2019, the People's Procuratorate of Hebei Province, on the ground that the original acquittal judgment was indeed erroneous, requested the Supreme People's Procuratorate to file a

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protest in the Chen Mou robbery case.

After accepting the case, the Supreme People's Procuratorate further visited the scene to verify the key objective evidence of the fingerprint, re-examined the verbal evidence, reviewed the case file, and ruled out unlawful evidence collection. Upon decision after discussion by the Procuratorial Committee of the Supreme People's Procuratorate, the Supreme People's Procuratorate filed a protest with the Supreme People's Court on January 7, 2021.

(2) Opinions and reasons for the protest

The Supreme People's Procuratorate held that the Hebei Higher People's Court's judgment acquitting Chen Mou was indeed erroneous and should be corrected. The original defendant Chen Mou, in the course of burglary, feared being discovered by the awakened victims and, in order to remove obstruction and stop resistance, used violence on the spot causing the death of two persons; under Article 150 of the Criminal Law of the People's Republic of China of 1979, his conduct constituted the crime of robbery, the facts of the crime were clear, and the evidence was reliable and sufficient, forming a complete chain capable of ruling out reasonable doubt. The reasons were as follows:

1. The course of detection in this case was natural, and the process of identifying and arresting the two defendants was clear, objective, and truthful. Through the fingerprint extracted from the scene, Chen Mou was identified by comparison 17 years after the crime. Upon interrogation, Chen Mou confessed to the process of killing the two victims after they woke up in the course of his burglary, but did not confess to Meng Mouliang's participation in the theft. Later, Xu Moumou, a detainee in the same cell as Chen Mou, reported that Chen Mou had asked a released person, Gao Moumou, to send word to Meng Mouliang to hide; the investigators identified Meng Mouliang on this basis. After Meng Mouliang was captured, he immediately confessed to the fact that he had witnessed Chen Mou killing the two victims in the course of jointly committing burglary with Chen Mou. The process of identifying the two defendants was logical and reflected the connection between Chen and Meng.

2. There was objective evidence directly connecting Chen Mou to the crime scene. The fingerprint extracted from the inner side of the bottom of the window sash of the west room was left by the index finger of Chen Mou's right hand; the direction of the fingerprint was fingertip-upward, which could hardly be formed indoors, and was consistent with the characteristic left by reaching a hand through the window from outside, gripping the window frame, and prying the window open; the fingerprint was developed with electrostatic powder and should be a fresh fingerprint of short retention time, highly associated with the perpetrator. Chen Mou confessed that he groped his hand into the lower inner side of the window sash and pulled the window outward, and Meng Mouliang confessed that Chen Mou pried open the west room window by hand, which matched the direction of the fingerprint and the on-site inspection.

3. Chen Mou made a guilty statement during the investigation stage but recanted during the review for prosecution stage; however, his reasons for recantation could not stand. After being brought to justice, Chen Mou confessed that his motive was to seek money, that the time was seventeen or eighteen years earlier, and that he had killed the woman and then the child by striking them with the instrument in his hand, and he identified the crime scene, but he did not truthfully confess to Meng Mouliang's participation. After recanting, Chen Mou alleged that he had been extorted by torture; upon review of the synchronized audio and video recordings on file, the video of Chen Mou's identification of the scene, and the testimony of investigators and persons in the same cell, unlawful evidence collection could be ruled out. Chen Mou once recanted and argued that he had been to the crime scene to install plumbing, and later claimed that he had never been to the scene. As to whether he had gone to the victim's home to install plumbing, the testimony of multiple witnesses confirmed that the plumbing in the victim's home had not been installed by Chen Mou, and installing plumbing did not require prying open a window from outside and entering through the window; entering through the door for normal construction could not have formed a fingerprint in that direction. This defense contradicted the fingerprint evidence and was contrary to common sense.

4. Meng Mouliang consistently confessed during the investigation and review-for-arrest stages that he had witnessed Chen Mou killing the victims, which corroborated the evidence on file. Meng Mouliang's first six statements consistently stated that he had seen Chen Mou kill the two victims, and his first statement already described in detail the course of Chen Mou's killing; his confession that the instrument Chen Mou used to kill Gong Moumou was a hammer was consistent with the axe-type blunt object found in the expert opinion and with Chen Mou's statement of a "tool with a tubular handle"; his confession of the manner in which Chen Mou killed Zhang Mou was consistent with the autopsy report; and his confession that "Chen Mou came out carrying a video recorder" was consistent with Chen Mou's statement and the loss of property in the victim's home.

5. The failure to match some fingerprints and the failure to extract or the loss of some individual physical evidence did not affect the completeness of the proof system. Living traces and criminal traces at the scene were intermingled; irrelevant fingerprints might have been extracted during the on-site inspection, and it could not be ruled out that they were left by the victims and their relatives and friends. Upon review, although there was no new evidence in this case, fully analyzing and demonstrating the probative value of the existing evidence was sufficient to prove the facts of the case; the existing evidence had reached the standard of reliable and sufficient proof. There were complex factors behind the failure to extract some individual physical evidence and the loss of non-key fingerprints or the failure to obtain comparison results and the loss of footprint evidence, which were insufficient to create reasonable doubt in this case and did not affect the completeness of the evidence chain.

(3) Supplementary evidence during the period of the retrial order

On April 16, 2021, the Supreme People's Court ordered the Shandong Higher People's Court to retry this case. During the retrial, the People's Procuratorate of Shandong Province strengthened coordination with the People's Procuratorate of Hebei Province and additionally obtained the testimony of villagers of the same village as the victim, confirming that Chen Mou had learned information such as the victim's family economic situation through the villagers; additionally obtained the testimony of persons in the same cell as Meng Mouliang, confirming that Meng Mouliang had said in the cell that Chen Mou had committed theft and homicide, further corroborating the truthfulness of Meng Mouliang's statement; and additionally obtained the testimony of multiple persons in the same cell as Chen Mou, further ruling out the possibility of extortion of confessions by torture. At the same time, it entrusted a technical department to examine and analyze the cause of death and the characteristics of the injuries of the victim Zhang Mou, which found that the subcutaneous hemorrhage in the left groin and the right perineum and the skin avulsion on the left forearm of Zhang Mou were consistent with being caused by blunt external force, and could have been formed when the defendant restrained the struggling and resisting victim, further ruling out reasonable doubt and consolidating the evidentiary foundation of the case.

(4) Outcome of the protest and subsequent circumstances

On January 17, 2024, the Shandong Higher People's Court rendered a final judgment, adopting the protest opinion and sentencing Chen Mou to death with a two-year reprieve, with deprivation of political rights for life and confiscation of all personal property, for the crime of robbery. On April 23, 2025, the Hebei Higher People's Court initiated trial supervision proceedings and retried Meng Mouliang, sentencing him to a fixed-term imprisonment of three years for the crime of robbery.

Guiding Significance

(1) Emphasis shall be placed on examining and judging evidence by starting from the course of detection and the patterns of investigation, strengthening the construction of the evidence system, and accurately identifying the criminal suspect and determining the circumstances of the crime. A course of detection that is objective, natural, and consistent with the patterns of investigation can comprehensively reflect the entire process of detecting a criminal case, and is also a key basis for judging the authenticity and legality of a

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defendant's guilty statement and whether there are sentencing circumstances such as voluntary surrender, truthful confession, and meritorious performance. Substantive examination shall be emphasized, examining whether the course of detection is objective and natural from such aspects as whether the source of objective evidence such as traces is authentic and lawful, whether the public security organ had knowledge of the case facts before the defendant was brought to justice, and whether the process of identifying the defendant is logical. At the same time, examination of evidentiary materials related to the course of detection shall be strengthened, examining whether the content is comprehensive, objective, and detailed and whether important facts have been omitted; where necessary, the public security organ may be requested to supplement explanations of the details of the detection process. Where, in a joint crime, the defendants are brought to justice successively and other defendants are captured through the statement of a defendant brought to justice earlier, this can strengthen the proof of the connection between each defendant and the case.

(2) Examining the retention characteristics of objective evidence such as fingerprints and bloodstains extracted from the crime scene can help reconstruct the scene and restore the details of the case facts, and their probative value shall be fully revealed. Through the spatiotemporal conditions, position, form, and loss of the retained objective evidence, information such as the angle, force, range, and time sequence of the perpetrator's actions shall be deeply analyzed to restore the key details of the case and corroborate them with other evidence, so as to determine the connection between the defendant and the case facts. Where key evidence such as strangers' fingerprints and bloodstains is left at the crime scene, and judging from the position and direction of the retention it could not have been left except by the perpetrator, it shall be used as the main basis for the determination of the case. Where some non-key evidence failed to be extracted, preserved, or identified, but other evidence has formed a complete evidence chain sufficient to convict and sentence the defendant, the evidence shall be determined to have reached the standard of reliability and sufficiency.

(3) Where a defendant recants after making a guilty statement, the process of recantation, the reasons for recantation, whether the recantation contradicts the evidence on file, and whether it can be corroborated by the statements of co-defendants shall be comprehensively examined to determine whether to admit it. Where a defendant argues that the recantation was caused by extortion of confession by torture, guided confession, or induced confession and applies for the exclusion of illegal evidence, the legality of the interrogation and the reasons for the recantation shall be examined in light of the clues or materials provided by the defendant, and the timing, reasons, and patterns of the defendant's recantation shall be analyzed in light of the evidence of the whole case, focusing on examining whether the motive, place, means, and instrument of the crime in each successive statement corroborate other evidence, whether details or concealed evidence that could only be known by personal experience were stated, and whether the defendant's defense contradicts the evidence of the whole case and conforms to common sense and common reason. In a joint crime, where some co-defendants' statements are comprehensive, complete, stable, and clear, while others are not clear, complete, or specific enough, it may be examined whether the statements corroborate each other and with other evidence, and whether contradictions can be reasonably explained. Where the guilty statements of co-defendants are consistent in the main circumstances and can corroborate each other, inconsistency in individual detailed circumstances shall not affect conviction.

Relevant Legal Provisions

Article 53(1), Article 57, and Article 150 of the Criminal Law of the People's Republic of China (1979).

Articles 55, 254, 256, and 257 of the Criminal Procedure Law of the People's Republic of China (2018 Amendment).

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