SPP Guiding Case No. 3: Case of Lin Zhibin for Fraudulent Approval of Temporary Service of Sentence Outside Prison

Dan Young Business Consultancy — www.danyoungcpa.com

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

Holding

Where judicial personnel accept bribes and grant commutation of sentence, parole, or temporary service of sentence outside prison to offenders who do not meet the conditions for such measures, they shall be pursued for criminal liability in accordance with the law and in light of the specific circumstances of the case.

Basic Facts

The defendant Lin Zhibin, male, born on August 21, 1964, Han ethnicity, formerly the head of the Third Prison District of Jilin Prison, Jilin Province, with a university education, was placed in criminal detention on November 1, 2008 on suspicion of the crime of fraudulently approving temporary service of sentence outside prison, and was arrested on November 14, 2008.

In December 2003, Gao Junhong was sentenced to twelve years of fixed-term imprisonment by the Dongcheng District People's Court of Beijing for the crime of contract fraud, and entered Jilin Prison in Jilin Province to serve his sentence in January 2004. During his imprisonment, Gao Junhong became acquainted with fellow inmate Zhao Jinxi and asked Zhao Jinxi to arrange medical parole for him. Zhao Jinxi found the defendant Lin Zhibin, then deputy head of the Fifth Prison District of Jilin Prison, and said that Gao Junhong was willing to pay to obtain medical parole, asking Lin Zhibin to help get the formalities done. Lin Zhibin agreed to help coordinate the matter. Zhao Jinxi then found fellow inmate Du Yingtao, who prepared a drug that could produce symptoms of illness. Under Zhao Jinxi's arrangement, Gao Junhong took the drug on March 24 of the same year and fell "ill," and was hospitalized. Lin Zhibin, knowing that Gao Junhong had falsified his condition, nevertheless approached Wang Lianfa (handled in a separate case) of the Penalty Execution Section of Jilin Prison to arrange medical parole for Gao Junhong, and presided over a discussion meeting of prison district officials on recommending medical parole for Gao Junhong. At the meeting, Lin Zhibin concealed the fact that Gao Junhong had falsified his condition, causing the discussion meeting to approve Gao Junhong's medical parole application, and then submitted the relevant materials for Gao Junhong's medical parole to the Penalty Execution Section. During this period, Gao Junhong instigated his younger brother Gao Junwei and Zhao Jinxi to bribe Lin Zhibin with RMB 50,000 yuan (Lin Zhibin gave 30,000 yuan of this to Wang Lianfa). On April 28, 2004, upon the report of Jilin Prison, the Jilin Provincial Prison Administration Bureau approved one year of temporary service of sentence outside prison for Gao Junhong on the ground of bilateral pneumonia, septic shock, and respiratory failure. On April 30 of the same year, Gao Junhong was released on medical parole. On May 18, 2006, Gao Junhong was returned to prison.

Procuratorate Performance of Duties

On October 28, 2008, the Kuancheng District People's Procuratorate of Changchun City, Jilin Province placed the case of Lin Zhibin suspected of fraudulently approving temporary service of sentence outside prison on file for investigation. On August 4, 2009, the Kuancheng District People's Procuratorate of Changchun City initiated a public prosecution against Lin Zhibin for the crime of fraudulently approving temporary service of sentence outside prison before the Kuancheng District People's Court of Changchun City. On October 20, 2009, the Kuancheng District People's Court of Changchun City rendered the criminal judgment (2009) Kuan Xing Chu Zi No. 223, sentencing the defendant Lin Zhibin to three years of fixed-term imprisonment for the crime of fraudulently approving temporary service of sentence outside prison.

Source: https://www.danyoungcpa.com/spp-guiding-case-3-china/

Disclaimer: This translation is provided for general reference only. It is not an official translation and carries no legal authority. In the event of any discrepancy, the original Chinese text promulgated by the relevant authority shall prevail. Professional advice should be sought before relying on this material for any specific matter.

Source: https://www.danyoungcpa.com/spp-guiding-case-3-china/