SPP Guiding Case No. 242: Supervision Case on the Investigation of Shen Moumou's Dangerous Driving

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Decided at the 62nd meeting of the 14th Procuratorial Committee of the Supreme People's Procuratorate on November 10, 2025; issued on December 11, 2025.

Keywords

Case filing supervision / investigation activity supervision / reporting and exposing / feigned meritorious service

Holding

With respect to meritorious service of the "reporting and exposing" type, the people's procuratorate shall apply the rules of evidence, the rules of logic and the rules of experience, strengthen the substantive examination of the source of the meritorious-service clue and the content of the reporting and exposing, and accurately determine the circumstances of meritorious service. With respect to "feigned meritorious service" determined upon examination, the people's procuratorate shall comprehensively examine the handling of all related cases, and, in accordance with the nature and consequences of the "feigned meritorious service", lawfully perform its legal supervision duties such as case filing supervision and investigation activity supervision.

Basic Facts

The defendant, Shen Moumou, male, born in 1983, was a teacher.

On June 14, 2021, Shen Moumou drove a motor vehicle on a road after drinking alcohol and was caught on the spot by the Public Security Bureau of Yishui County, Shandong Province. Upon examination, the alcohol content in Shen Moumou's blood was 226.9 mg/100 ml. On June 19, the Yishui County Public Security Bureau filed the case for investigation against Shen Moumou on suspicion of the crime of dangerous driving, and on the same day took the compulsory measure of release on bail pending trial against him. After investigation and prosecution, the People's Court of Yishui County held a public hearing on the dangerous driving case of Shen Moumou on November 10.

On November 17, while awaiting the court's judgment, Shen Moumou submitted to the People's Court of Yishui County relevant meritorious-service certification materials provided by the public security organ, certifying that Shen Moumou had on that day reported Qin Moumou for pickpocketing a mobile phone (worth more than 3,000 yuan) from Zhang Moumou in a supermarket, and that the Yishui County Public Security Bureau had filed the case for investigation against Qin Moumou on suspicion of theft. On November 19, the People's Court of Yishui County notified the People's Procuratorate of Yishui County of the situation of Shen Moumou's submission of meritorious-service certification materials, and solicited the procuratorial organ's opinion on whether Shen Moumou constituted meritorious service.

Procuratorate Performance of Duties

Discovery of clues. In order to accurately examine and determine the defendant's circumstances of meritorious service, the Yishui County People's Procuratorate obtained from the public security organ the evidence materials of the theft case involving Qin Moumou. Upon examination of the on-site video, it was found that after stealing the mobile phone, Qin Moumou did not flee quickly but stayed at the scene until Shen Moumou and the surrounding people caught him, and that during the period when Shen Moumou called the police and waited for the public security organ to arrive, Qin Moumou showed no signs of

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struggling or fleeing; after the victim Zhang Moumou discovered the loss of the mobile phone by touching his pocket, he did not seek it in a timely manner but instead waved his hand at Qin Moumou to signal him to leave, appearing to know each other. The reactions of both persons were clearly different from those of parties in an ordinary theft case. On this basis, the Yishui County People's Procuratorate held that the authenticity of Qin Moumou's commission of theft was doubtful, and in turn the authenticity of Shen Moumou's reporting and meritorious service was also subject to considerable doubt.

Investigation and verification. In order to ascertain the facts of Qin Moumou's theft, accurately determine Shen Moumou's circumstances of meritorious service, and correctly apply the penalty, the Yishui County People's Procuratorate, relying on the investigation supervision and coordination and cooperation office, consulted with the Yishui County Public Security Bureau to initiate the mechanism for soliciting opinions in major and difficult cases. The procuratorial organ dispatched personnel to conduct a comprehensive examination of the evidence materials of Qin Moumou's theft case, and on this basis, focusing on the relationship between the criminal suspect Qin Moumou and the victim Zhang Moumou and the manner in which the two arrived at the scene, put forward suggestions to the public security organ to supplementarily obtain surveillance video inside and outside the supermarket before and after the incident and on nearby road checkpoints, as well as the call records of Qin Moumou and Zhang Moumou. Upon examination of the surveillance video, it was found that the criminal suspect Qin Moumou and the victim Zhang Moumou had met near the supermarket before the theft occurred; upon examination of the call records, it was found that before and after the incident, the two had frequently called a practicing lawyer, Liu Moumou, of a certain law firm. Focusing on the above doubtful points, the public security organ conducted further targeted interrogation and questioning of Qin Moumou and Zhang Moumou. The two ultimately admitted that the theft case had been jointly fabricated under the direction of lawyer Liu Moumou, and that Qin Moumou had subsequently received a benefit fee of 5,000 yuan from Liu Moumou.

After receiving the notification of the progress in the investigation and handling of the above theft case, the procurator handling the dangerous driving case of Shen Moumou conducted targeted interrogation of Shen Moumou, and through in-depth explanation of the law and reasoning, Shen Moumou ultimately admitted that the theft case clue had been purchased from Liu Moumou in order to achieve the purpose of reducing the penalty for his dangerous driving crime.

Supervision opinions. Based on the above investigation and the different litigation stages of the cases, the Yishui County People's Procuratorate put forward the following opinions and suggestions in respect of the dangerous driving case of Shen Moumou and the theft case of Qin Moumou: first, it formally replied to the People's Court of Yishui County that the theft case of Qin Moumou reported by Shen Moumou was a fabricated case, that the reporting act should not be determined as meritorious service, and transferred the relevant evidence materials to the court. Second, it suggested that the Yishui County Public Security Bureau file the case for investigation against Liu Moumou, Qin Moumou and Zhang Moumou and others suspected of helping others fabricate meritorious service, and pursue criminal liability in accordance with law. Third, it suggested that the Yishui County Public Security Bureau lawfully withdraw the theft case of Qin Moumou in which no theft facts existed.

Supervision results. On December 7, 2021, the People's Court of Yishui County adopted the procuratorial organ's opinion, did not determine the meritorious-service circumstances of Shen Moumou's reporting of the theft case of Qin Moumou, and sentenced Shen Moumou to criminal detention of two months and a fine of 20,000 yuan for the crime of dangerous driving.

In January 2022, the Yishui County Public Security Bureau withdrew the theft case of Qin Moumou, and filed the case for investigation against Qin Moumou and others for obstructing testimony. It was ultimately ascertained that Shen Moumou, in order to reduce the criminal responsibility for dangerous driving, contributed 20,000 yuan to have Liu Moumou help find a meritorious-service clue, and that without Shen Moumou's knowledge, Liu Moumou instigated Qin Moumou and Zhang Moumou to jointly fabricate a theft

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case and to have Shen Moumou report it for meritorious service. On July 19, the People's Court of Yishui County sentenced Liu Moumou, Qin Moumou and Zhang Moumou and others to fixed-term imprisonment or criminal detention of varying terms for respectively constituting the crimes of obstructing testimony and helping to forge evidence.

Extended performance of duties. In response to the problems exposed in the case, such as lax examination and verification of meritorious-service certification materials and inadequate supervision and management, the People's Procuratorate of Linyi City, based on the report from the Yishui County People's Procuratorate, issued a procuratorial suggestion to the Public Security Bureau of Linyi City, suggesting that the Linyi public security organ strengthen the examination and management of meritorious-service certification materials. In February 2022, the Linyi City Public Security Bureau adopted the procuratorial suggestion of the Linyi City People's Procuratorate, and jointly organized and carried out a one-month special rectification of "feigned meritorious service". On this basis, the Linyi City People's Procuratorate, together with the municipal public security bureau and the municipal intermediate people's court, established a mechanism for the investigation and verification of clues involving meritorious service, clarified the responsibilities and obligations of the three organs, and strengthened the examination and verification of meritorious-service certification materials and the examination and determination of meritorious-service circumstances along the whole chain.

Guiding Significance

(1) With respect to meritorious service of the "reporting and exposing" type, the people's procuratorate shall strengthen the substantive examination of the source of the meritorious-service clue and the content of the reporting and exposing, so as to avoid erroneously determining the circumstances of meritorious service. The procuratorial organ shall pay attention to applying the rules of evidence, the rules of logic and the rules of experience, and carefully examine and verify whether the time, place and channel through which the meritorious person obtained the meritorious-service clue are truthful and reasonable, and whether they contradict the process of cracking the reported case, so as to accurately determine the circumstances of meritorious service in accordance with law. Where the crime committed by the person reported and exposed is a minor crime such as dangerous driving or small-amount theft, attention shall be paid to examining whether the motive, process and results of the crime committed by the person reported and exposed are truthful, and whether it was a crime organized and committed for the purpose of "feigned meritorious service".

(2) With respect to "feigned meritorious service" determined upon examination, the people's procuratorate shall comprehensively examine the handling of related cases and lawfully perform its legal supervision duties. While not determining the "feigned meritorious service" in accordance with law, where the public security organ erroneously issued meritorious-service certification materials, a supervisory correction opinion shall be lawfully put forward. Where acts of obstructing testimony or helping to forge meritorious-service certification materials seriously disrupt judicial order are involved, an opinion of supervised case filing shall be lawfully put forward. With respect to the "crimes" committed for the purpose of "feigned meritorious service", attention shall be paid to distinguishing whether the relevant acts have substantive social harm; where there is no substantive harm, an opinion of supervised case withdrawal shall be lawfully put forward; where real harm is caused to society, the criminal liability of the actor shall be pursued in accordance with law.

Relevant Legal Provisions

Articles 68, 133-1, 264 and 307 of the Criminal Law of the People's Republic of China.

Articles 8 and 113 of the Criminal Procedure Law of the People's Republic of China (2018 Amendment).

Articles 559, 560, 561 and 563 of the Rules of Criminal Procedure for the People's Procuratorates (SPP Interpretation No. 4 of 2019).

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Articles 4, 6 and 7 of the Opinions of the Supreme People's Court on Several Issues Concerning the Handling of Voluntary Surrender and Meritorious Service (Fa Fa No. 60 of 2010).

Article 11 of the Provisions on the Work of Procuratorial Suggestions of the People's Procuratorates (SPP Interpretation No. 1 of 2019).

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