

# Chapter 18

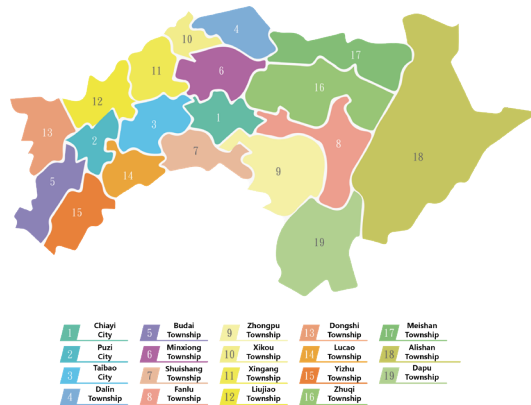
## Taiwan Chiayi District Prosecutors Office



### Section 1 Historical Overview

The predecessor of the current Taiwan Chiayi District Prosecutors Office was the “Chiayi Prosecutors Department of Tainan District Court.” After the retrocession of Taiwan in 1945, the first Prosecutor Liu, Dao-Jheng acted as proxy for the Premier Prosecutor and handled administrative affairs. It was not until June 1, 1947, that the Department of Prosecution of the Taiwan Chiayi District Court was established. On December 24, 1989, the establishment was renamed the “Taiwan Chiayi District Court Prosecutors Office” in conjunction with the amendment of the Court Organization Act. On May 25, 2018, it was again renamed the “Taiwan Chiayi District Prosecutors Office,” where the wording of “Court” from its organizational name was taken away, in conjunction with the amendment of the Court Organization Act.

### Section 2 Territorial Jurisdiction



Geographic Territorial Jurisdiction of the Taiwan Yunlin District Prosecutors Office

## Section 3 Office Buildings

### I. Early stage of the establishment

In the early days of its establishment, the office building was located at No. 96, Zhongshan Road, Chiayi City, which was an official house for Japanese heritage, adjacent to the then Taiwan Chiayi District Court. The office of the Chiayi Prosecutors establishment in the early days was made of wood, which was prone to damage by sun and rain. Moreover, the cramped area could no longer accommodate the rapid growth in businesses and staff. The space for the investigation room and the public was insufficient; hence, the proposal for the expansion of the office. II. The second office



The appearance of the new building of the Chiayi District Prosecutors Office

### II. New office building

In October, 1992, the new office building of the Chiayi Court and Prosecutors establishments was approved for construction. After several twists and turns, in August, 2004, the construction of the building was contracted. On September 21, 2004, the ground was broken jointly by the Chiayi Court and Prosecutors establishments. On September 11, 2007, the new building was completed and opened for use.

## Section 4 List of Former Chief Prosecutors

Precedence in office	Title	Name	Period in office	Notes
1	Leading Prosecutor	Liu,Tao-Cheng	1945/12~1946/11	
2	Leading Prosecutor	Hsieh,Chung-Tang	1946/11~1947/05	
3	Leading Prosecutor	Chen,Cheng-Cheng	1947/05~1948/02	
4	Leading Prosecutor	Nieh,Chen-Hsun	1948/02~1953/06	
5	Leading Prosecutor	Tsao,Tsu-Wei	1953/06~1963/02/18	
6	Leading Prosecutor	Chu,Chien-Hung	1963/02/18~1964/08/01	
7	Leading Prosecutor	Chang,Yao-Hai	1964/08/01~1970/09/08	
8	Leading Prosecutor	Chang,Ching-Hsiu	1970/09/08~1972/07/25	
9	Leading Prosecutor	Kuan,Kuo-Wei	1972/07/26~1976/10/02	
10	Leading Prosecutor	Tang,Chin-Yin	1976/10/02~1978/10/03	
11	Leading Prosecutor	Chen,Han	1978/10/03~1979/04/20	
12	Leading Prosecutor	Tan,Lai-Yeh	1979/04/20~1982/11/09	
13	Leading Prosecutor	Liu,Hsueh-Kuei	1982/11/10~1985/03/18	
14	Leading Prosecutor	Li,Kuang-Ching	1985/03/18~1989/12/22	
15	Leading Prosecutor	Chang,Chun-Jung	1989/12/22~1992/05/27	
16	Chief Prosecutor	Tseng,Yung-Fu	1992/05/27~1993/07/30	
17	Chief Prosecutor	Huang,Shih-Ming	1993/07/30~1996/01/16	
18	Chief Prosecutor	Chen,Yao-Neng	1996/01/16~1997/08/08	
19	Chief Prosecutor	Chen,Ching-Pi	1997/08/08~1999/04/28	
20	Chief Prosecutor	Chen,Feng-Chi	1999/04/27~2000/06/27	

Precedence in office	Title	Name	Period in office	Notes
21	Chief Prosecutor	Yang,Sen-Tu	2000/06/27~2001/04/27	
22	Chief Prosecutor	Ling,Po-Chih	2001/04/27~2003/07/31	
23	Chief Prosecutor	Hung,Wei-Hua	2003/07/31~2005/03/16	
24	Chief Prosecutor	Wu,Shen-Chih	2005/03/16~2007/04/12	
25	Chief Prosecutor	Sung,Kuo-Yeh	2005/04/12~2008/08/01	
26	Chief Prosecutor	Hung,Kuang-Hsuan	2008/08/01~2010/07/27	
27	Chief Prosecutor	Chu,Chao-Min	2010/07/27~2013/03/11	
28	Chief Prosecutor	Lo,Jung-Chien	2013/03/11~2016/07/18	
29	Chief Prosecutor	Kuo,Chen-Ni	2016/07/18~2019/01/31	
30	Chief Prosecutor	Miu,Cho-Jan	2019/01/31~2021/05/05	
31	Chief Prosecutor	Chang,Hsiao-Wen	2021/05/05 to present	

## Section 5 List of Former Chief Secretaries

Precedence in office	Title	Name	Period in office	Notes
1	Head Clerk	Liu,Shen-Shen	1948/05/04~1956/04/19	
2	Head Clerk	Chang,He -Ju	1956/04/19~1964/08/01	
3	Head Clerk	Su,Jung-Ta	1964/08/01~1965/12/01	
4	Head Clerk	Li,Chin-Hua	1965/12/01~1970/09/10	
5	Head Clerk	Fu,Ke -Liang	1970/09/08~1971/09/01	

Precedence in office	Title	Name	Period in office	Notes
6	Head Clerk	Hsieh,Chin-Hsing	1972/08/18~1976/10/14	
7	Head Clerk	Wu,Sung-Sen	1976/10/09~1978/10/11	
8	Head Clerk	Pao,Jung-Tung	1978/10/19~1979/06/27	
9	Head Clerk	Chen,Chih-Lien	1979/06/25~1980/07/01	
10	Chief Secretary	Chen,Chih-Lien	1980/07/01~1982/11/18	
11	Chief Secretary	Lin,Chun-Nan	1982/11/20~1985/03/21	
12	Chief Secretary	Tsai,Mou-Hsiang	1990/04/26~1990/01/16	
13	Chief Secretary	Liang,Chung-Chu	1990/03/05~1992/07/21	
14	Chief Secretary	Huang,Ching-Chih	1992/07/21~1993/09/23	
15	Chief Secretary	Tang,Hui-Tung	1993/10/23~1996/06/01	
16	Chief Secretary	Wang,Chao-Tien	1996/07/15~1998/07/16	
17	Chief Secretary	Lin,Shih-Chieh	1998/09/04~2001/01/16	
18	Chief Secretary	Chen,Chuan-Lin	2001/01/16~2001/07/01	
19	Chief Secretary	Lin,He	2001/07/01~2021/01/16	
20	Chief Secretary	Wu,Kuo-An	2021/01/16 to present	

## Section 6 Excerpts of Major Cases

### I. The murder case committed by Chen, \*-Chin

In 1974, Chen, \*-Chin married Tseng, \*-Hsia who was the insured of a life insurance policy with Taiwan Life Insurance Co., Ltd., with Chen, \*-Qin appointed as the beneficiary of the insurance policy. On the early morning of January 6, 1985, Chen, \*-Chin and Tseng, \*-Hsia quarreled with each other. With a mens rea to kill, Chen, \*-Chin violently hit Tseng, \*-Hsia's head directly against the ground, causing Tseng, \*-Hsia's death due to intracranial hemorrhage as a result of a basal skull fracture.

In the second half year of 1985, Chen, \*-Chin married Wang, \*-Ying who already had a son named Chang, \*-Chih who was adopted by Chen, \*-Chin (and renamed Chen, \*-Chih). On the early morning of April 24, 1988, with a mens rea to fraudulently claim the insurance benefit to support his monetary need in gambling, Chen, \*-Chin crashed the back of his adopted son's head against the wall behind the hospital bed, causing Chen, \*-Chih's death due to hematoma on the brain stem. The death enabled Chen, \*-Chin to fraudulently obtain an insurance benefit of NTD 60,000. Later, Chen, \*-Chin further took his biological son Chen, \*-Hung as the insured of numerous life insurance policies with multiple life insurance companies. On the early morning of August 3, 1995, Chen, \*-Chin entered a dispute with Chen, \*-Hung. With a mens rea to kill, Chen, \*-Chin threw an ornamental stone (weighing about 1 tkg (0.6 kg)) arranged inside the premises at Chen, \*-Hung's head. The stone hit the back of Chen, \*-Hung's head, and Chen, \*-Hung suffered severe injuries and died. As a result of the death of Chen, \*-Hung, Chen, \*-Chin successively applied for insurance benefits from multiple insurance companies and fraudulently collected more than NTD 4 million.

Acquiring a taste for fraudulently receiving insurance benefits, Chen, \*-Chin again applied the same tactics. He took his wife Wang, \*-Ying as the insured of numerous life insurance policies with multiple life insurance companies. On the evening of August 19, 1996, Chen,



\*-Chin drove Wang, \*-Ying to Xingang Township, Chiayi County. The two fiercely quarreled with each other over money issues. With a mens rea to kill, Chen, \*-Chin heavily smashed Wang, \*-Ying's head with a solid wooden stick that was originally placed in the car for self-defense, striking Wang, \*-Ying to death. In order to cover up the crime, Chen, \*-Chin drove his car to the roadside of a school for students with hearing impairments on Shixian Road, Chiayi City, set the car against the guardrail on the roadside, and moved Wang, \*-Ying's corpse to the driver's seat, staging a car accident scene. With Wang, \*-Ying's death, Chen, \*-Chin applied to multiple insurance companies for insurance claims and received a total of NTD 11,372,540 in insurance benefits.

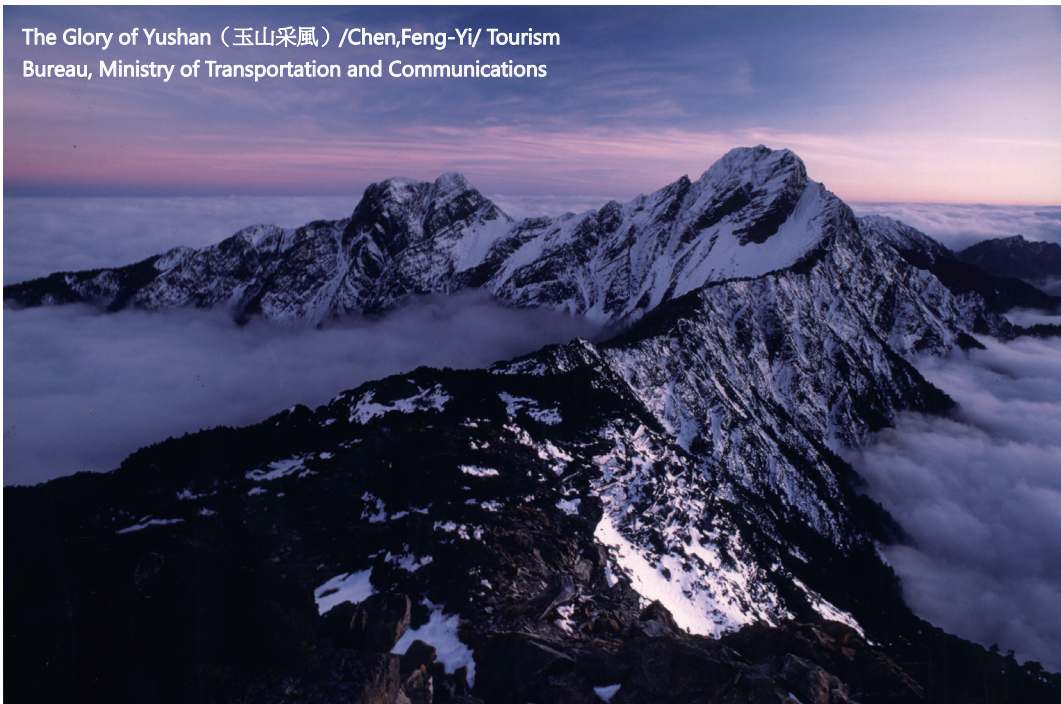
In 1997, Chen, \*-Chin married Yen, \*-Chin who already had a son Chen, \*-Ching and a daughter Chen, \*-Yu, both of whom were adopted by Chen, \*-Chin. At the time, Chen, \*-Chin owed a huge amount of gambling debt, and was eager to repay the debts by fraudulently claiming insurance benefits using the same tactics. In July, 1997, Chen, \*-Chin took Chen, \*-Ching as the insured of numerous life insurance policies with multiple life insurance companies. On the evening of October 6, 1998, with a mens rea to kill for fraudulent insurance claim, Chen, \*-Chin offered halcion tablets (usually used for relief of insomnia) to Chen, \*-Ching, falsely claiming that it was a painkiller for soothing Chen, \*-Ching's headache. Later on the same evening of October 6, 1998, Chen, \*-Chin pretended to take Chen, \*-Ching to a doctor when he was lethargic. When they went downstairs, Chen, \*-Chin found an opportunity to strongly hit the back of Chen, \*-Ching's head against the sharp edge of the stairs. Later, Chen, \*-Ching was pronounced dead at the hospital. With Chen, \*-Ching's death, Chen, \*-Chin applied to Bureau of Labor Insurance and Cathy Life Insurance for insurance claims and fraudulently received a total of more than NTD 160,000 in insurance benefits.

In May 2003, Chen, \*-Chin met a woman Chen, \*-Ling in Chiayi City. At the time Chen, \*-Chin carried a huge debt of NTD 2 million to a loan shark. Out of pressure by the loan shark, Chen, \*-Chin killed Chen, \*-Ling and stole her belongings. Only after Chen, \*-Chin was arrested, were the other separate offenses where Chen, \*-Chin killed his five relatives for fraudulent insurance claims exposed.



In Indictments No. (92)-Zhen-zi-4271 and No. (92)-Zhen-zi-5785 by the Chiayi District Prosecutors Office, the investigation was concluded and the defendant Chen, \*-Chin was prosecuted for murder, and successful/unsuccessful benefits from fraudulent claims, and respective death penalties were requested by the Prosecutor on each account of specific murder. This case was sent back by the Supreme Court to a court of lower instance seven times. Finally, in Judgement No. (99)-Shang-Zhong-Geng-Chi-zi-9 by the Tainan Branch Court of Taiwan High Court, Chen, \*-Chin was sentenced to life imprisonment for the three murders, along with the deprivation of his citizen's rights for life. Subsequently, the sentence for Chen, \*-Chin was commuted to imprisonment for 20 years, along with the deprivation of his citizen's rights for 10 years. Chen, \*-Chin shall serve his sentence for 20 years in prison, and be deprived of his citizen's rights for 10 years. In Judgement No. (99)-Tai-Shang-zi-7600 by the Supreme Court, the Prosecutor appeal was dismissed, and the case was finalized. Over the years, Chen, \*-Chin had totally killed five people including his wives, biological son, and adopted sons. In the case of fraudulent insurance claims and murders committed by Chen, \*-Qin, although the commutation clause was applicable twice based on Chen, \*-Cin's surrender to Justice, thus Chen, \*-Chin was exempted from the death penalty; yet in the case of sexual assault and murder of his cohabitant, also his girlfriend, Chen, \*-Ling, on February 10, 2011, the Supreme Court dismissed Chen, \*-Chin's appeal, and Chen, \*-Chin was sentenced to death. The case was finalized.

The Glory of Yushan (玉山采風) /Chen,Feng-Yi/ Tourism Bureau, Ministry of Transportation and Communications







## II. The heroin case

With intent to obtain profit, Hsu, \*, Kuo, \*-Yi, Liang, \*-Fa, Wu, \*-Hsiung, Wu, \*-Lung, et al., jointly formed an international drug smuggling and trafficking group together with Huang, \*-Feng and Kuo, \*-Yi. Between 1990 and 1993, they went to China and Thailand, etc. on many occasions to hook up with foreigners (their names unknown) for acquisition of large quantities of heroin drugs. With two fishing boats, Fujisheng and Jiaxingfa No. 2, heroin drugs were transported to Taiwan from the open sea off China. The boats were driven either by Kuo, \*-Yi, or by master Liang, \*-Fa, crew members Wu, \*-Hsiung, Wu \*-Lung, et al., at a cost of NTD 300,000 per trip. The heroin drugs were handed over to and sold by Hsu, \*, Huang, \*-Feng, et al. for exorbitant profits. In May, 1993, the prosecution and police forces seized 14 bags of heroin (with 420 heroin bricks, 336 kilograms in weight) in a secret cabin on the Jiaxingfa No. 2 fishing boat which was berthed at the old fishing wharf of Donggang Fishing Port in Pingtung County at the time. The drug smuggling and trafficking case then came to light. This case marked the largest drug smuggling case in Taiwan history at the time.

After the investigation and prosecution of this case, in Judgement No. (90)-Shang-Zhong-Geng-(shi)-zi-530 by the Tainan Branch Court of the Taiwan High Court, Kuo, \*-Yi was sentenced to death for joint drug trafficking, along with the deprivation of his citizen's rights for life; whereas Liang, \*-Fa and Wu, \*-Hsiung were sentenced to life imprisonment for joint drug trafficking, along with the deprivation of their citizens' rights for life. In Judgement No. (91)-Tai-Shang-zi-4851 by the Supreme Court, the appeal was dismissed. During the trial of the joint drug trafficking case, Hsu, \* was sentenced to death. During the appeal period, Hsu, \* committed another homicide offense which was confirmed with sentence; therefore, Hsu, \*'s death penalty was executed while other defendants were still on trial.

### III. The train accident in Alishan

On March 1, 2003, Su, \*-Fu et al. four people were on duty shift, serving as train attendants of Trip No. 110 between the temporary Alishan Station and Shenmu Station on the Shenmu Route of Forest Railway. On a regular basis, Train Inspector Wen, \*-Ming had to pay attention to the train, so that between the completion of the coupling of cars and the departure of this series of cars, the angle cock of the compressed air brake pipe that passes through the locomotive and the train would be opened to ensure the full run-through of the train's compressed air brakes. On a regular basis, Driver Tsai, \*-Sen and Co-Driver Liu, \*-Yueh also had to pay attention to the train, so that between the completion of the coupling of cars and the departure of this series of cars, the brake was tested jointly with Wen, \*-Ming, and the angle cock of the compressed air brake pipe that passes through the locomotive and the train was checked to ensure it was properly opened. In addition, on a regular basis, Train Conductor Su, \*-Fu had to pay attention to the pressure pointer of the caboose to ensure that the pressure of the air brake pipe fully reached 5 kilograms per square centimeter, as well as conduct the compressed air brake test, try to pull the conductor's valve and step on the horn to prevent accidents from happening.

According to the objective conditions at the time, nothing should be left unchecked. On the afternoon of March 1, 2003, DL25 locomotive was driven by the driver Tsai, \*-Sen out of the Alishan Depot, heading to Alishan Station for the coupling of four passenger cars and connection of the compressed air brake pipe. However, no attention was paid to the angle cock which had to be opened. Neither Tsai, \*-Sen, Liu, \*-Yueh nor Wen, \*-Ming paid attention to open the locomotive angle cock, or test the compressed air brake and brake system. The Train Conductor Su, \*-Fu also failed to verify the pressure of the air brake pipe or conduct the compressed air brake test. To this end, at about 2 p.m. on March 1, 2003, Su, \*-Fu, Tsai, \*-Sen, and Liu, \*-Yueh drove the abovementioned train in a push-forward way, with more than 200 tourists on-board, from the temporary Alishan Station to Shenmu Station.



After the train left the station, when it came to a dangerously descending section, Tsai, \*-Sen was braking the train to control the speed. However, as the locomotive angle cock was not opened, the air required for braking the train could not be delivered to the four passenger cars. Therefore, only the brake on the locomotive could function properly, but not the brakes from Car 1 to Car 4. As a result, the train failed to decelerate, but instead accelerated as the train went downhill. At a sharp turn, the train was under the traction of the centrifugal force, went out of control, and eventually derailed. The wheels of Car 1 climbed back onto the rail surface and ran for 22 centimeters before colliding with the cliff on the right hand side, into a tilt of 45 degrees. Cars 2 and 3 squeezed the rear of Car 1 before inclining towards the side of the mountain, into an upward position perpendicular to the rail. Car 4 overturned down to below the No. 68 bridge. This accident claimed 17 lives and 205 injured.

In this case, the Prosecutor took the initiative in reporting, investigation and prosecution. At the end of the prosecution and trial, it was found that Su, \*-Fu, et al. responsible for the train operation had caused death to others due to business negligence. Su, \*-Fu, Tsai, \*-Sen, and Liu, \*-Yueh were sentenced by Taiwan Chiayi District Court to imprisonment for two years and six months, whereas Wen, \*-Ming was sentenced to imprisonment for three years. Unsatisfied with the sentence, Su, \*-Fu, Tsai, \*-Sen, and Liu, \*-Yue appealed the judgment, and the appeal was dismissed by the Tainan Branch Court of the Taiwan High Court. The case was finalized.

#### IV. The case of gambling offenses by Lu, \*-Hsien

The prosecutor of Taiwan Chiayi District Prosecutors Office requested the Anti-Money Laundering Division (“AMLD”) of the Ministry of Justice Investigation Bureau (“MJIB”) to retrieve the information on “notifications of suspicious money laundering” during the “Three in One Election” in 2005. In response, the AMLD provided one copy of transaction records showing suspected money laundering which involved nine suspicious transactions, for a total of NTD 90 million, reported by United-Credit

Commercial Bank, Gongyi Branch (currently "Shin Kong Commercial Bank," Gongyi Branch) on October 28, 2004. It was found that the AMLD took a "downstream" investigation approach (i.e. tracking the endpoint to where the funds were going). Since the funds were going to multiple pseudo bank accounts, the investigation went nowhere. Then the AMLD took a different approach, "upstream" investigation, instead. The Financial Supervisory Commission ("FSC") of the Executive Yuan was requested to dispatch two specialists to assist in investigating the flow of the suspicious funds. It took more than four months to investigate 46 financial institutions, retrieve 215 banking accounts, and review more than 60,000 transaction records. When the time was right, the first round of searches at Lu, \*-Hsien's residence in Taichung took place on March 9, 2006. 27 fruit cartons with NTD 500+ million on cash were confiscated on site, as well as 383 promissory notes (issued by the headquarters of various banks), equivalent to cash of NTD 1.7+ billion, found in the ceiling. This round of raids uncovered the largest illegal transnational remittance scheme ever in the history of the country, tracked down money launderer Hua \* Chiong Limited Company and the person in charge, Hsu, \*-Tung, and found the largest illegal lotteries running in China and Taiwan, "Mark Six" and "Lotto," and the mastermind behind them, Lu, \*-Hsien.

On the day of the search, as much as NTD 2.3 billion was seized, breaking the record in the history of domestic public security. Moreover, prior to the search operation, the Prosecutor had already frozen Lu, \*-Hsien's illegal gains of USD 190+ million and HKD 25+ million deposited in domestic and overseas banks. More than NTD 8.6 billion of illegal gains were seized in total.



At the end of the investigation, in Indictments No. (95)-Zhen-zi-2159 and No. (95)-Zhen-zi-2543 by the Prosecutor, Hsu, \*-Tung was prosecuted for being suspected of violating the provisions of Paragraph 1 of Article 125 of the Banking Act. A 10-year imprisonment along with a fine of NTD 30 million were requested by the Prosecutor from the court. At the end of the retrial of second instance, in Judgement No. (99)-Jin-Shang-Zhong-Su-zi-747 by the Tainan Branch Court of Taiwan High Court, Hsu, \*-Tung was sentenced to imprisonment for eight years and 10 months, along with a fine of NTD 30 million, and the criminal proceeds of NTD 1,063,110 were confiscated. Hua \* Chiong Limited Company was fined NTD 30 million due to Hsu, \*-Tung status as the responsible person.

In addition, in Indictments No. (95)-Zhen-zi-2159 and No. (95)-Zhen-zi-2412 by the Prosecutor, Lu, \*-Hsien (the responsible person of the largest gambling station in China and Taiwan, "Wang Tsai Gambling Station," also known as "Seafloor Group") and other accomplices who ran the Gambling Station together, totally 12 people, were prosecuted for being suspected of committing the crimes as provided in the Criminal Code as follows: "occupational gambling" under the pre-amended Article 267, "intending to make a profit by furnishing a place to gamble" under the forepart of Article 268, and "intending to make a profit by assembling people to gamble" under the posterior of Article 268. In addition, the Prosecutor requested the court confiscate the criminal proceeds that were seized and frozen in accordance with the provisions of Subparagraph 3 of Paragraph 1 of Article 38 of the Criminal Code. Lu, \*-Hsien was requested a sentence of four-year imprisonment, plus another three years of mandatory labor services in a labor establishment prior to the execution of the sentence. At the end of the trial, in Judgement No. (96)-Shang-Yi-zi-619 by the Tainan Branch Court of the Taiwan High Court, Lu, \*-Hsien was sentenced to imprisonment for two years, plus another three years of mandatory labor services in a labor establishment after the execution of the sentence or after the pardon. The criminal proceeds of NTD 2,290,177,900, USD 188,796,835.77, and HKD 25,367,911.76, which were jointly associated with the remaining 11 accomplices, was to be confiscated. The case was finalized.





Section 7 Cover page of the History of Prosecutors Office and the link of global website



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