

## **Report of Investigation Results on the Election-Eve Shooting Incident on Nov 26<sup>th</sup> 2010**

On Jan 21<sup>st</sup> 2011, Banciao District Prosecutors Office (BDPO) indicted Lin Cheng-Wei over his involvement in the election-eve shooting incident that caused Huang Yun-Sheng, an innocent bystander, fatally wounded and Lien Sheng-Wen seriously injured. The charges on the indictment include murder of Huang Yun-Sheng, the attempted murder of Lien Sheng-Wen, and illegal possession of a pistol and bullets. Prosecutors also requested that the ultimate punishment be handed down to the defendant. Listed below is the brief account of the investigation approach and the main points and reasoning behind the indictment.

### **I Facts**

Approximately at 8:20 pm Nov 26<sup>th</sup> 2011, while a campaign rally was being held for Chen Hung-Yuan, a KMT New Taipei City councilor candidate, at Yonghe Elementary School, the defendant, Lin Cheng-Wei, rushed onto the stage from behind and fired a single gunshot, firstly penetrating the cheek of Lien Sheng-Wen and then fatally entering the skull of Huang Yun-Sheng, who passed away on the way to the hospital. The defendant was immediately arrested by the police and other campaign rally participants on the stage.

### **II Investigation Approach Taken by BDPO the Day the Shooting Took Place**

Immediately after BDPO received the information regarding the shooting incident at 8:40 pm the same evening, Head Prosecutor Sun Chih-Yuan and Prosecutor Chin Kai-Sheng rushed to Yonghe Police Precinct and directed following investigation, including searching Lin Cheng-Wei's residence with search warrants. Simultaneously, Head Prosecutor Wang Nan- Jiun and Prosecutor Tseng Yang-Ling were also assigned to perform forensic autopsy on the body of the deceased. The bullet, found in Mr. Huang's skull, was sent to forensic lab for further DNA and ballistics analysis. Meanwhile, Prosecutors also carefully reviewed crime scene videos and closely examined the wound sustained on the face of Lien Sheng-Wen, and cautiously compared with the relative positions of the stage to make the crime scene reconstruction possible.

The police transferred Lin Cheng-Wei to BDPO under the suspicion of murder and other accounts of crimes on Nov 27<sup>th</sup>. After interrogation, Prosecutor Chin Kai-Sheng made the request for pre-trial detention, which was later allowed by court the same day.

### **III Setting Up a Special Task Force for Effortless Investigation**

Since November 27<sup>th</sup>, a day after the deadly shooting took place, BDPO and the police have set up an “1126 Special Task Force”, the members of which include Head Prosecutor and Prosecutor at BDPO, the 1<sup>st</sup> Investigation Brigade of Criminal Investigation Bureau, New Taipei City Police Department and its subordinate units of the 7<sup>th</sup> Criminal Investigation Corps, Forensic Center as well as Yonghe Precinct. Situated at Yonghe Precinct at 8pm on a daily basis, 48 special conferences have been convened since then. Chaired by Chief Prosecutor, BDPO also held special conferences daily. Meeting at irregular intervals, Chief Prosecutor, Deputy Chief Prosecutor, Head Prosecutor Li Hai-Lung, Sun Chih-Yuan and Prosecutor Chin Kai-Sheng worked together to discuss the approach and assure the progress of the investigation.

#### IV Detailed Methods of the Investigation

- (1) 44 defendants and witnesses were interrogated by the prosecutors totally for 99 times.
- (2) 534 defendants and witnesses were interviewed and interrogated by the police totally for 716 times.
- (3) 887,267 calling records made by 679 relevant cell phone numbers, the users of which reach up to 262 people, were retrieved.
- (4) 9,263 transaction records within 118 bank accounts, separately belonged to 19 people, were retrieved.
- (5) Images of 509 closed circuit television (CCTV) at the crime scene or along the road were retrieved.
- (6) 848 land registration records were retrieved.
- (7) 105 aircraft passengers lists were retrieved.
- (8) Forensic examinations were conducted by forensic science units in Criminal Investigation Bureau and New Taipei City Police Department for 10 times.
- (9) The authority submitted polygraph tests to the defendants for 3 times, and some witnesses for 4 times.
- (10) The residence of the defendant was searched on the same day of the shooting incident, and the residences of 2 witnesses were also searched once respectively.
- (11) Electronic surveillance of 22 phone numbers, respectively used by 15 people, was carried out.

#### V Conclusion of the Investigation

1. The defendant, under economic hardship, used a land dispute in 1992 as an excuse to extort Chen Ming-Hsiung. Turned down by Chen and feeling humiliated, he was determined to kill Chen Hung-Yuan, the son of Chen Ming-Hsiung, as revenge. The defendant went to the campaign headquarters of Chen Hung-Yuan several times in the

afternoon. At 8:20 pm, at Yonghe Elementary School where Chen Hung-Yuan held his election rally, the defendant planned to shoot Chen Hung-Yuan on the stage. He learned of Chen Hung-Yuan's appearance only from campaign flags and mistakenly believed Chen Hung-Yuan was standing in the center of the stage. He dashed toward the stage from behind and immediately shot the person standing in the middle of the stage, Lien Sheng-Wen, who had just changed his position with Chen Hung-Yuan in order to give a speech. The bullet penetrated Lien's face and fatally entering the skull of Huang Yun-Sheng, who was sitting in the audience seat.

2. Facts of and evidence for the offense have been specified in the bill of indictment as attached.

### 3. The Offenses Charged and Penalty Suggested

The defendant is charged of murder, attempted murder, illegal possession of a pistol and bullets. He was holding a pistol and bullets simultaneously. The two offenses are considered ideal concurrence, so the illegal possession of a pistol, with harsher penalty, shall prevail. The defendant's single act of shooting constitutes both murder and attempted murder offenses. The two offenses are also considered ideal concurrence, so the offense of murder, with more severe punishment, shall prevail. The murder and illegal possession of a pistol should be applied to merger of penalties.

Out of minor dispute, the defendant, with multiple crime records, attempted to shoot dead the candidate as revenge in front of the audience on the eve of the election. Furthermore, he aimed at the head, a fatal position, and, after the first shot, intended to fire another one, showing his determination of killing. He exhibited extreme contempt for the law and order. This savage violence seriously affected public security and election order, and gravely harmed freedom, democracy, and fairness of election, all established painstakingly for years. Without harsh punishment, the threat of violence toward election can never be prevented. Therefore, the prosecutor suggests imposing the ultimate punishment on the defendant.

### VI The Defendant Shot One Bullet and Caused One Person Dead and One Injured

According to the forensic report, the bullet taken from the skull of the deceased was shot from the pistol held by the defendant. In addition, based on the injury on the face of Lien Sheng-Wen, the images of CCTV, the relative positions of the stage and the electric car used by the deceased, as well as the outcome of trajectory reconstruction, the fact that the defendant shot Lien's face at close range was also established. The bullet entered Lien's left cheek, penetrating his right facial bone, then running into the up-right eyelid of the deceased, and finally stopped at his left brain. Lien's CT-scan files, medical records in NTU Hospital, coroner's examination document, autopsy record, and crime scene investigation report all support this conclusion. Hence, the

defendant shot one bullet and caused one person dead and one injured. The possibility of a staged conspiracy by the victim has been excluded.

#### VII The Reasons that Draw the Conclusion that the Defendant, Lin Cheng-Wei, Was Targeting Chen's Family while Shooting

- (1) On Nov 26<sup>th</sup>, the very same day the deadly shooting occurred, the defendant went to Chen's campaign headquarters up to 4 times and the site to hold the evening campaign rally twice.
- (2) Before the shooting took place at 20:20 Nov 26<sup>th</sup>, the defendant made two phone calls to Tu Yi-Kai, respectively at 20:14:01 and 20:14:12, and another phone call to Lin Yung-Yu at 20:14:52, all being linked to Chen Ming-Hsiung.
- (3) Chen Hung-Yuan was not notified in advance that Lien Sheng-Wen would be scheduled to make his appearance at Yonghe Elementary School that evening. Furthermore, Chen Ming-Hsiung and the borough chief didn't know that Lien Sheng-Wen would come to the campaign rally either.
- (4) After reviewing the images of CCTV along the route of Lien Sheng-Wen to Yonghe Elementary School, we found no signs of suspected followers.
- (5) The dialing records of the defendant reveal no one calling the defendant after Lien Sheng-Wen left for Yonghe Elementary School, showing the defendant's lack of knowledge about the destination of Lien Sheng-Wen. We found no objects or factors from all the phone calls dialed from or received by the defendant that could possibly connect him with Lien Sheng-Wen.
- (6) The CCTV images obtained show no signs of suspicion that the defendant might have had any company or conversation with anyone so that he could be informed of the schedule of Lien Sheng-Wen later that evening.
- (7) The graphic of audio frequency at the crime scene left us without a trace of the defendant having shouted out "Lien Sheng-Wen!!" or any foul language before the shooting.
- (8) During all the interrogations by the police or the prosecutor, the defendant has firmly insisted that his target was Chen Hung-Yuan.
- (9) Witness Yeh Kuan-Hung testified that the defendant once told the witness that he was very angry at Chen Ming-Hsiung for refusing to see him repeatedly, and claimed that he is not the one to be blamed if something bad happens to Chen Hung-Yuan.
- (10) The polygraph test result indicates that until the defendant was informed by the

police, he was not aware of the fact that Lien Sheng-Wen was endorsing Chen Hung-Yuan on the stage while being shot.

- (11) After searching the residence of the defendant, we found no evidence showing the defendant's political inclination.

#### VIII Other Suspected Motives among the Public Proven Misconceived after Investigation

After the shooting, there were many gossips about the defendant's motives, such as election-related grudges, gambling of the election, murder resulted from land disputes, targeting "the boss", Chen Hung-Yuan wearing bullet-proof vest in advance, and etc. However, after thorough and detailed investigation, those gossips are all proven unfounded, and therefore should be dispelled.

#### IX Investigation of the Source of the Pistol

- (1) The defendant claimed that the pistol he used was taken from Lin X-Yung(deceased) during the period of 1999-2000, but this statement failed the polygraph test.
- (2) The pistol's serial number shows it was made in 1995. With the help of The Criminal Investigation Bureau and The Investigation Bureau of the Ministry of Justice, we found out that the pistol was first purchased in the US on Oct 27<sup>th</sup> 1999 by someone (thereafter referred to as Mr. F) who was born in the Philippines and currently lives in the US.
- (3) After inquiry, Mr. F stated that the pistol was later shipped to the residence of his mother in the Philippines. The shipment took about one month, and Mr. F flew back to the Philippines to personally receive the cosigned good, which was stolen soon afterwards.
- (4) The source of the pistol remains unclear and the investigation into it may be time-consuming. Therefore, the prosecutor will open another case file and keep directing the police for further investigation of the source of the pistol.