

Price Identification not Sufficient for Conviction in Case of Intentional Destruction of Property



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Abstract

Case of intentional destruction of property is commonly accused crime in our judicial practice. However, our judicial dealing with this kind of cases is not short of defections. One of the major issues should be the price identification evidence produced by governmental agency. For the reason that those cases are usually involving relatively less property damage and not mass destruction public order, police are rarely responding in time to the scene and make crime scene investigations. Therefore, it is of great significance for us to report a typical case of intentional destruction of property to point out the deflection of this kind of identification evidence and the probable risks in producing innocent cases if lacking strict scrutiny while examining the evidence in court, especially in China when we have no universal rule governing the identification of crime involved property destruction or damage. Detailed descriptions of this case are presented below with the discussion of causation reasoning and wrongful conviction prevention methods.

Keywords: Price identification; Relevance; Standard of proof; Reasonable doubt

Introduction

Intentional destruction of property is a commonly used crime name in our criminal justice practice, but the procedure of accusing and adjudicating of in this kind of crimes are not short of loopholes, especially when we face wrongdoings that just crossed the line of punish ability, in this case, the culpability would be a crucial issue which the defense and prosecutors disagree about. On reviewing dozens of cases regarded from our judicial achieves, the only question hotly debated is whether the damage or destruction of property reached the criteria of criminal penalty, which served as the engine of starting our prosecuting procedures. In our criminal system, this deciding issue of fact is entrusted to the local price identification centers, which are established as a governmental agency governing the price control business. Price identification center will appraise the price of those damaged items involving in the cases while considering the newness rate.

Once received the price identification conclusion, investigators in charge of property damaging cases would use it as sufficient probable cause to make arrests of those accused, prosecutors will accept them and bring the cases to court, and judges will ruled against those accused and render their sentences, despite the relevance of the price identification to

the cause of destruction or damaging of property items are still not yet established with support of enough evidence meeting the standard of proof as beyond reasonable doubt thus innocent cases are produced by our criminal justice system [1].

Case Report

On 25th November 2017, a male reported that his BMW car was intentionally damaged by a suspect who has some road rage issue with him, and the two had been racing on the road for some miles in Xisanqi, Haidian district. The victim said the suspect smashed his rearview mirrors on both sides and left front door; however, the did not respond to scene, and the victim drove his car to the BMW service center and repaired the car at a cost of 27000.00 yuan, which apparently surpassed the standard of punish ability of intentional destruction of property where Beijing's criterion is 10000 yuan. Since there was no police responding on the case, neither was there a crime scene investigation to fix and confirm the cause of the destruction or damage by the suspect, and later the car was driven away by the victim himself to do the repair and replacement of some damaged parts. Therefore, some reasonable doubt was left to this case, the most puzzling issue is whether some of the damage was forged by the victim himself with the intention to hold the suspect in custody.

The suspect told another version of the story about the case who said that he was innocent, and the damage caused by him was totally legal and he was acted on justifiable defense. The suspect alleged he was waiting at the cross for traffic lights when the victim driving passing him and knocked his right rearview mirror and did not stop to express apology and ask for forgiveness before speeding away. As a result, the suspect chased the victim and the victim drove recklessly with the typical features of DUI-driving under influence. The suspect alleged he was just acted as for the sake of the public safety and stopped the car from DUI by causing relatively small damage, and he was busy to transport passenger and left without calling the police to respond to have the victim tested for the DUI [2]. But for lacking the legal commonsense he did not realize that the victim might call 110 to report an intentional destruction of property case.

The case was reported and brought to the Haidian district court. Based on the price identification evidence, after a bench trial, the defendant was convicted of Intentional destruction of property and sentenced to one year in prison, while the defense attorney insist on innocence defending. Meanwhile, the victim has not filed a civil case for restitution for the damage.

Discussion

The obvious defection in the adjudication of this case should be the admission of price identification as a key evidence to support the prosecutors' case. A simple logic lies in the relevance of the evidence. According to the evidence rule-irrelevant evidence not admissible, only relevant evidence admissible, the price identification are far from enough to establish a perfect evidential circle to prove the case of intentional destruction of property.

For one thing, the price identification only prove the fact that the victim's BMW was repaired at a price of 27000 yuan, which could not further to prove the causation of the total damage and the defendant's action. To reinstate the causation in this case, the crime scene investigation record should be presented to confirm that all the damage in the price identification was caused by the suspect right at the moment when he smashed the car at the scene. However, in this case, the victim drove the car away himself, and the police never responded to make a documentation of the scene, and no photos of the damage were taken at the scene, while the only pictures of the damaged car in the case file was taken before the price identification being carried out two days later. Therefore, the relevance of the price identification evidence was never established and the identification could not be admitted solely without other corroborating evidences [3].

For another, the motive of the defendant was not supported by real evidence other than the allegation of the victim. The defense attorney requested the trial judge to investigate and

collect the video records from cut monitors on the roads where the defendant alleged the victim's hit-and-run fact, but the video records request was denied and never retrieved. Therefore, the defendant's justifiable defense case was able to prove, which left the question of a reasonable doubt in this case that the defendant might really want to stop an illegal driving for the sake of the public interest, which is a good faith the society should uphold.

As a judicial dealing of highly disputed allegations which entails the defendant's basic freedom rights at stake. The judge's ruling on this case makes even less sense. According to Chinese criminal code, presumption of innocence is a basic principle which means when a case is doubt and the defense can establish a reasonable doubt, the defendant is entitle of an acquittal [4]. Therefore, in the author's viewpoint, the defendant in this case should be released for the reason that prosecution failed to produce evidences meeting the standard of proof in criminal procedures-beyond the reasonable doubt.

Conclusion

According to the discussions above, the price identification evidence is not a complete proof on whether a defendant is culpable for the damage of property incurred a restitution that crossing the line of punish ability at respective districts. Actually, the probative value of identification evidence should be prudently and rationally treated with the corroborating evidences that can help to strengthen the causation between the damage and the defendant's conduct. Before a universal rule was enacted for the identification and appraisal of criminal case involved damaged property, the accusing and trial of cases of intentional destruction of property should be at the most strictness for the sake of human right protecting. Therefore, the author suggest that price identification conclusion is not a forensic evidence that meeting the standard of proof in a criminal case, in another word, judges presiding this kind of cases should secure corroborating evidence to the standard of beyond reasonable doubt, otherwise the defendant are eligible for an acquittal. Only in this way, can we prevent the innocent case being wrongfully convicted, so as to uphold the judicial fairness.

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