

### 14.最高法院刑事上訴確定案件裁判結果－按罪名別分

中華民國 98 年

單位：人

罪名別 Crime type	合計 Total	科刑							
		計 Subtotal	死刑 Death sentence	無期徒刑 Life sentence	有期徒刑				
					小計 Subtotal	一年以下 1 or less than 1 year	逾一年至二年以下 Over 1 year to 2 years	逾二年至三年以下 Over 2 years to 3 years	逾三年至五年以下 Over 3 years to 5 years
<b>合計</b> Total	<b>7 945</b>	<b>6 963</b>	<b>13</b>	<b>74</b>	<b>6 846</b>	<b>2 623</b>	<b>814</b>	<b>316</b>	<b>945</b>
普通刑法計 Subtotal of general criminal law	3 838	3 313	13	46	3 234	1 304	456	161	466
內亂罪 Offenses against the internal security of the state	-	-	-	-	-	-	-	-	-
外患罪 Offenses against the external security of the state	8	2	-	-	2	1	1	-	-
妨害國交罪 Offenses of interference with relations with other states	-	-	-	-	-	-	-	-	-
瀆職罪 Offenses of malfeasance in office	42	3	-	-	3	2	-	1	-
妨害公務罪 Offenses of interference with public functions	9	9	-	-	9	9	-	-	-
妨害投票罪 Offenses of interference with voting	31	28	-	-	28	28	-	-	-
妨害秩序罪 Offenses of interference with public order	3	3	-	-	3	3	-	-	-
脫逃罪 Offenses of escape	10	9	-	-	9	8	-	-	1
藏匿人犯及湮滅證據罪 Offenses of concealment of offenders and destruction of evidence	-	-	-	-	-	-	-	-	-
偽證罪 Offenses of perjury	51	44	-	-	44	44	-	-	-
誣告罪 Offenses of malicious accusation	144	59	-	-	59	57	1	1	-
公共危險罪 Offenses against public safety	153	150	-	-	149	111	12	2	18
放火 Arson	35	35	-	-	35	1	8	2	18
燒燬建築物及住宅 Destruction by fire of building and residence	32	32	-	-	32	1	5	2	18
燒燬其他物件 Destruction by fire of other objects	3	3	-	-	3	-	3	-	-
失火 Negligent fire	-	-	-	-	-	-	-	-	-
燒燬建築物及住宅 Destruction by fire of building and residence	-	-	-	-	-	-	-	-	-
燒燬其他物件 Destruction by fire of other objects	-	-	-	-	-	-	-	-	-
違背建築術成規 Violation of building practice	-	-	-	-	-	-	-	-	-
妨害衛生安全 Obstruction to sanitation	-	-	-	-	-	-	-	-	-
漏逸氣體 Gas leak	-	-	-	-	-	-	-	-	-
妨害交通安全 Obstruction to traffic safety	118	115	-	-	114	110	4	-	-
強暴脅迫危害交通安全 Obstruction by violence or threat of traffic safety	-	-	-	-	-	-	-	-	-
不能安全駕駛 Inability to drive safely	3	3	-	-	3	3	-	-	-
肇事致人死傷逃逸 Hit and run	109	106	-	-	106	102	4	-	-
其他 Other	6	6	-	-	5	5	-	-	-
危險物 Hazard materials	-	-	-	-	-	-	-	-	-
爆裂物 Explosives	-	-	-	-	-	-	-	-	-
核能放射線 Nuclear radiation	-	-	-	-	-	-	-	-	-
其他 Other	-	-	-	-	-	-	-	-	-

**14. Results of Judgments and Rulings of Criminal Appeal Cases Concluded by the Supreme Court – by  
Crime Type**

2009

Unit: individual

Type of sentence			拘役 Detention	罰金 Punitive fine	免刑 Penalty released	無罪 Acquitted	免訴 Not prosecutable	不受理 Case declined	管轄錯誤 Mistake in Jurisdiction	緩刑 Suspension of punishment	保安處分 Rehabilitative measures
Time imprisonments											
逾五年至七年以下 Over 5 years to 7 years	逾七年至十年以下 Over 7 years to 10 years	逾十年 Over 10 years									
530	929	689	16	14	1	765	12	202	2	3	-
162	529	156	15	5	-	409	3	113	-	2	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	6	-	-	-	-	-
-	-	-	-	-	-	1	-	38	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	3	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	1	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	7	-	-	-	1	-
-	-	-	-	-	-	64	-	21	-	-	-
1	5	-	1	-	-	3	-	-	-	-	-
1	5	-	-	-	-	-	-	-	-	-	-
1	5	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
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14.最高法院刑事上訴確定案件裁判結果—按罪名別分(續一)

中華民國 98 年

單位：人

罪名別 Crime type	合計 Total	科刑							
		計 Subtotal	死刑 Death sentence	無期徒刑 Life sentence	有期徒刑				
					小計 Subtotal	一年以下 1 or less than 1 year	逾一年至二年以下 Over 1 year to 2 years	逾二年至三年以下 Over 2 years to 3 years	逾三年至五年以下 Over 3 years to 5 years
偽造貨幣罪 Offenses of counterfeiting currency	19	19	-	-	19	-	1	2	16
偽造有價證券罪 Offenses of counterfeiting valuable securities	186	156	-	-	156	12	36	8	92
偽造度量衡罪 Offenses of falsifying weights and measures	-	-	-	-	-	-	-	-	-
偽造文書印文罪 Offenses of forging instruments or seals	574	440	-	-	439	301	94	30	14
偽造變造私文書 Forgery or alteration of private documents	404	298	-	-	298	228	41	17	12
偽造變造公文書 Forgery or alteration of public documents	106	102	-	-	102	43	46	12	1
偽造變造特種文書 Forgery or alteration of special documents	2	2	-	-	2	2	-	-	-
公文書不實登載 False entry in public documents	43	25	-	-	25	17	7	-	1
使公務員登載不實 Causing a functionary to make false entries in public documents	15	9	-	-	8	8	-	-	-
業務上文書登載不實 False entry in occupational documents	3	3	-	-	3	3	-	-	-
偽造盜用印文或署押 Forgery or unauthorized use of impression of a seal or signature	-	-	-	-	-	-	-	-	-
偽造盜用公印或印文 Forgery or unauthorized use of a public seal or impression of a seal	1	1	-	-	1	-	-	1	-
妨害性自主罪 Offenses against sexual autonomy	418	373	3	3	367	50	31	19	154
強制性交猥褻 Forced sexual intercourse or obscene act	408	364	-	-	364	50	30	18	154
強制性交猥褻之殺人或重傷害 Manslaughter or serious bodily harm from forced sexual intercourse or obscene act	8	7	3	3	1	-	-	-	-
其他 Other	2	2	-	-	2	-	1	1	-
妨害風化罪 Offenses against sexual morality	172	170	-	-	170	103	51	4	8
強姦 Rape	-	-	-	-	-	-	-	-	-
強姦殺人 Rape homicide	-	-	-	-	-	-	-	-	-
意圖營利性交猥褻 Sexual intercourse or obscene act for the purpose of gain	172	170	-	-	170	103	51	4	8
製造散布持有陳列猥褻文字圖書物品 Production, distribution, possession or display of pornographic text, book or article	-	-	-	-	-	-	-	-	-
其他 Other	-	-	-	-	-	-	-	-	-
妨害婚姻及家庭罪 Offenses against marriage and family	5	4	-	-	4	1	2	-	-

**14. Results of Judgments and Rulings of Criminal Appeal Cases Concluded by the Supreme Court – by Crime Type(Cont. 1)**

2009

Unit: individual

Type of sentence			拘役 Detention	罰金 Punitive fine	免刑 Penalty released	無罪 Acquitted	免訴 Not prosecutable	不受理 Case declined	管轄錯誤 Mistake in Jurisdiction	緩刑 Suspension of punishment	保安處分 Rehabilitative measures
Time imprisonments											
逾五年至七年以下 Over 5 years to 7 years	逾七年至十年以下 Over 7 years to 10 years	逾十年 Over 10 years									
-	-	-	-	-	-	-	-	-	-	-	-
5	3	-	-	-	-	28	-	2	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	1	-	-	113	-	21	-	-	-
-	-	-	-	-	-	91	-	15	-	-	-
-	-	-	-	-	-	2	-	2	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	14	-	4	-	-	-
-	-	-	1	-	-	6	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
14	88	11	-	-	-	38	-	7	-	-	-
14	88	10	-	-	-	37	-	7	-	-	-
-	-	1	-	-	-	1	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
2	-	2	-	-	-	1	-	1	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
2	-	2	-	-	-	1	-	1	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
1	-	-	-	-	-	1	-	-	-	-	-

### 14.最高法院刑事上訴確定案件裁判結果—按罪名別分(續二)

中華民國 98 年

單位：人

罪名別 Crime type	合計 Total	科刑							
		計 Subtotal	死刑 Death sentence	無期徒刑 Life sentence	有期徒刑				
					小計 Subtotal	一年以下 1 or less than 1 year	逾一年至二年以下 Over 1 year to 2 years	逾二年至三年以下 Over 2 years to 3 years	逾三年至五年以下 Over 3 years to 5 years
褻瀆祀典及侵害墳墓屍體罪 Offenses against religion, graves, and corpses	4	4	-	-	4	3	1	-	-
妨害農工商罪 Offenses against agriculture, industry & commerce	-	-	-	-	-	-	-	-	-
賭博罪 Offenses of gambling	15	15	-	-	11	10	1	-	-
單純賭博 Simple gambling	4	4	-	-	-	-	-	-	-
供給賭博場所等賭博 Gamble of providing gambling places and the like	11	11	-	-	11	10	1	-	-
殺人罪 Offenses of homicide	384	342	5	32	305	72	13	10	25
殺人 Homicide	267	255	5	32	218	1	2	10	20
既遂 Consummation	139	136	5	32	99	-	1	5	2
普通殺人 General homicide	135	132	5	30	97	-	1	5	2
殺害直系尊親屬 Homicide of lineal ascendants by blood	4	4	-	2	2	-	-	-	-
未遂 Attempt	128	119	-	-	119	1	1	5	18
普通殺人 General homicide	127	118	-	-	118	1	1	5	18
殺害直系尊親屬 Homicide of lineal ascendants by blood	1	1	-	-	1	-	-	-	-
過失致死 Manslaughter	117	87	-	-	87	71	11	-	5
一般過失致人於死 General negligent killing	2	2	-	-	2	1	1	-	-
醫師業務過失致人於死 Occupational negligent killing by a physician	3	1	-	-	1	1	-	-	-
密醫過失致人於死 Negligent killing by an unlicensed physician	-	-	-	-	-	-	-	-	-
交通業務過失致人於死 Occupational negligent killing by a driver	69	56	-	-	56	46	9	-	1
交通一般過失致人於死 General negligent killing by a driver	8	8	-	-	8	7	1	-	-
其他業務過失致人於死 Other occupational negligent killing	35	20	-	-	20	16	-	-	4

**14. Results of Judgments and Rulings of Criminal Appeal Cases Concluded by the Supreme Court – by Crime Type(Cont. 2)**

2009

Unit: individual

Type of sentence			拘役 Detention	罰金 Punitive fine	免刑 Penalty released	無罪 Acquitted	免訴 Not prosecutable	不受理 Case declined	管轄錯誤 Mistake in Jurisdiction	緩刑 Suspension of punishment	保安處分 Rehabilitative measures
Time imprisonments											
逾五年至七年以下 Over 5 years to 7 years	逾七年至十年以下 Over 7 years to 10 years	逾十年 Over 10 years									
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	4	-	-	-	-	-	-	-
-	-	-	-	4	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
64	37	84	-	-	-	40	1	1	-	1	-
64	37	84	-	-	-	10	1	1	-	-	-
3	13	75	-	-	-	3	-	-	-	-	-
3	13	73	-	-	-	3	-	-	-	-	-
-	-	2	-	-	-	-	-	-	-	-	-
61	24	9	-	-	-	7	1	1	-	-	-
61	23	9	-	-	-	7	1	1	-	-	-
-	1	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	30	-	-	-	1	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	2	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	13	-	-	-	1	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	15	-	-	-	-	-

### 14.最高法院刑事上訴確定案件裁判結果—按罪名別分(續三)

中華民國 98 年

單位：人

罪名別 Crime type	合計 Total	科刑							
		計 Subtotal	死刑 Death sentence	無期徒刑 Life sentence	有期徒刑				
					小計 Subtotal	一年以下 1 or less than 1 year	逾一年至二年以下 Over 1 year to 2 years	逾二年至三年以下 Over 2 years to 3 years	逾三年至五年以下 Over 3 years to 5 years
傷 害 Offenses of causing bodily harm	209	199	-	-	198	32	26	15	33
傷 害 直 系 尊 親 屬 Bodily harm of lineal ascendants by blood	1	1	-	-	1	-	-	-	-
重 傷 Serious bodily harm	33	32	-	-	32	-	11	9	3
傷 害 致 死 Bodily harm resulting in death	111	107	-	-	107	-	3	3	20
醫 師 業 務 過 失 傷 害 Occupational negligent bodily harm by a physician	-	-	-	-	-	-	-	-	-
密 醫 過 失 傷 害 Negligent bodily harm by an unlicensed physician	-	-	-	-	-	-	-	-	-
交 通 業 務 過 失 傷 害 Occupational negligent bodily harm by a driver	2	2	-	-	2	2	-	-	-
交 通 一 般 過 失 傷 害 General negligent bodily harm by a driver	2	2	-	-	2	2	-	-	-
其 他 業 務 過 失 傷 害 Other occupational negligent bodily harm	3	1	-	-	1	1	-	-	-
其 他 Other	57	54	-	-	53	27	12	3	10
墮 胎 罪 Offenses of abortion	-	-	-	-	-	-	-	-	-
遺 棄 罪 Offenses of abandonment	7	6	-	-	6	6	-	-	-
妨 害 自 由 罪 Offenses against personal liberty	233	214	-	-	204	156	32	2	2
使 人 為 奴 隸 及 買 賣 質 押 人 口 Enslavement of, trade in, and pawning of, persons	12	12	-	-	12	-	-	-	-
詐 術 使 人 出 國 Fraudulently causing a person to leave the territory	-	-	-	-	-	-	-	-	-
略 誘 罪 Abduction	-	-	-	-	-	-	-	-	-
剝 奪 行 動 自 由 Deprivation of freedom of movement	201	184	-	-	175	141	30	2	2
強 制 罪 Coercion offense	12	10	-	-	9	9	-	-	-
恐 嚇 危 害 安 全 Obstruction of safety by threat	8	8	-	-	8	6	2	-	-
侵 入 或 滯 留 Trespassing on, or lingering in, a property	-	-	-	-	-	-	-	-	-
違 法 搜 索 Illegal search	-	-	-	-	-	-	-	-	-

**14. Results of Judgments and Rulings of Criminal Appeal Cases Concluded by the Supreme Court – by Crime Type(Cont. 3)**

2009

Unit: individual

Type of sentence			拘役 Detention	罰金 Punitive fine	免刑 Penalty released	無罪 Acquitted	免訴 Not prosecutable	不受理 Case declined	管轄錯誤 Mistake in Jurisdiction	緩刑 Suspension of punishment	保安處分 Rehabilitative measures
Time imprisonments											
逾五年至七年以下 Over 5 years to 7 years	逾七年至十年以下 Over 7 years to 10 years	逾十年 Over 10 years									
14	61	17	1	-	-	7	-	3	-	-	-
-	1	-	-	-	-	-	-	-	-	-	-
7	2	-	-	-	-	1	-	-	-	-	-
6	58	17	-	-	-	1	-	3	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	2	-	-	-	-	-
1	-	-	1	-	-	3	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	1	-	-	-	-	-
1	11	-	10	-	-	16	-	3	-	-	-
1	11	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	9	-	-	14	-	3	-	-	-
-	-	-	1	-	-	2	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
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14.最高法院刑事上訴確定案件裁判結果—按罪名別分(續四)

中華民國 98 年

單位：人

罪名別 Crime type	合計 Total	科刑							
		計 Subtotal	死刑 Death sentence	無期徒刑 Life sentence	有期徒刑				
					小計 Subtotal	一年以下 1 or less than 1 year	逾一年至 二年以下 Over 1 year to 2 years	逾二年至 三年以下 Over 2 years to 3 years	逾三年至 五年以下 Over 3 years to 5 years
妨害名譽及信用罪 Offenses against personal reputation & credits	4	1	-	-	-	-	-	-	-
妨害秘密罪 Offenses relating to protection of secrets	-	-	-	-	-	-	-	-	-
竊盜罪 Offenses of larceny	58	53	-	-	53	38	10	3	1
普通竊盜竊占 Common theft and theft of movables or immovables	11	11	-	-	11	11	-	-	-
加重竊盜 Severe theft	24	24	-	-	24	22	1	-	-
常業竊盜 Occupational theft	23	18	-	-	18	5	9	3	1
強盜罪 Offenses of robbery	485	459	4	9	446	3	1	3	55
搶奪及海盜罪 Offenses of snatch of property and piracy	66	61	-	-	61	46	12	2	1
侵占罪 Offenses of misappropriation	50	41	-	-	40	24	7	6	1
普通侵占 Common embezzlement	2	2	-	-	2	2	-	-	-
公務公益侵占 Official embezzlement	4	3	-	-	3	2	1	-	-
業務侵占 Occupational embezzlement	43	35	-	-	35	20	6	6	1
侵占遺失物 Embezzlement of lost articles	1	1	-	-	-	-	-	-	-
詐欺罪 Offenses of fraud	310	291	-	-	291	106	94	47	40
一般詐欺 Common fraud	66	52	-	-	52	38	9	3	2
常業詐欺 Occupational fraud	244	239	-	-	239	68	85	44	38
背信罪 Offenses of breach of trust	28	9	-	-	9	5	3	1	-
重利罪 Offenses of usury	54	50	-	-	50	33	14	3	-
恐嚇取財罪 Offenses of obtaining property by threats	37	37	-	-	37	26	9	1	1
擄人勒贖罪 Offenses of kidnapping for ransom	43	43	1	2	40	-	-	1	4
贓物罪 Offenses relating to illegally obtained property	9	8	-	-	8	5	3	-	-
毀棄損壞罪 Offenses of destruction, abandonment, and damage of property	17	11	-	-	10	9	1	-	-
妨害電腦使用罪 Offenses of impairment to use of computers	2	2	-	-	1	1	-	-	-

**14. Results of Judgments and Rulings of Criminal Appeal Cases Concluded by the Supreme Court – by Crime Type(Cont. 4)**

2009

Unit: individual

Type of sentence			拘役 Detention	罰金 Punitive fine	免刑 Penalty released	無罪 Acquitted	免訴 Not prosecutable	不受理 Case declined	管轄錯誤 Mistake in Jurisdiction	緩刑 Suspension of punishment	保安處分 Rehabilitative measures
Time imprisonments											
逾五年至七年以下 Over 5 years to 7 years	逾七年至十年以下 Over 7 years to 10 years	逾十年 Over 10 years									
-	-	-	1	-	-	1	-	2	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	1	-	-	-	-	5	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	1	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	5	-	-	-	-	-
45	307	32	-	-	-	19	1	6	-	-	-
-	-	-	-	-	-	5	-	-	-	-	-
1	1	-	-	1	-	8	1	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	1	-	-	-	-	-
1	1	-	-	-	-	7	1	-	-	-	-
-	-	-	-	1	-	-	-	-	-	-	-
4	-	-	-	-	-	11	-	8	-	-	-
-	-	-	-	-	-	9	-	5	-	-	-
4	-	-	-	-	-	2	-	3	-	-	-
-	-	-	-	-	-	19	-	-	-	-	-
-	-	-	-	-	-	4	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
10	15	10	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	1	-	-	-	-	-
-	-	-	1	-	-	6	-	-	-	-	-
-	-	-	-	1	-	-	-	-	-	-	-

14.最高法院刑事上訴確定案件裁判結果—按罪名別分(續五)

中華民國 98 年

單位：人

罪名別 Crime type	合計 Total	科刑							
		計 Subtotal	死刑 Death sentence	無期徒刑 Life sentence	有期徒刑				
					小計 Subtotal	一年以下 1 or less than 1 year	逾一年至二年以下 Over 1 year to 2 years	逾二年至三年以下 Over 2 years to 3 years	逾三年至五年以下 Over 3 years to 5 years
<b>特別刑事法令計</b> Sub-total of special criminal law	<b>4 107</b>	<b>3 650</b>	-	<b>28</b>	<b>3 612</b>	<b>1 319</b>	<b>358</b>	<b>155</b>	<b>479</b>
貪污治罪條例 Punishment of corruption act	272	175	-	-	175	23	20	20	13
懲治盜匪條例 Punishment of thieves and bandits act	-	-	-	-	-	-	-	-	-
妨害兵役治罪條例 Punishment of offenses against military service act	1	-	-	-	-	-	-	-	-
違反電信法 Violation of the telecommunications act	10	5	-	-	5	5	-	-	-
違反糧食管理法 Violation of the grain control law	-	-	-	-	-	-	-	-	-
違反國家總動員法 Violation of the national general mobilization law	-	-	-	-	-	-	-	-	-
懲治走私條例 Punishment of smuggling act	56	55	-	-	55	52	-	-	-
違反森林法 Violation of the forestry law	15	15	-	-	15	14	1	-	-
違反漁業法 Violation of the fishery law	2	2	-	-	2	2	-	-	-
違反毒品危害防制條例 Violation of the narcotics endangerment prevention act	2 239	2 160	-	28	2 132	845	127	49	123
製造運輸販賣 Manufacture, transport, or sale	1 265	1 190	-	28	1 162	-	16	40	122
施用 Use	897	895	-	-	895	809	86	-	-
其他 Other	77	75	-	-	75	36	25	9	1
陸海空軍刑法 Criminal law of the armed forces	2	1	-	-	1	-	1	-	-
違反水利法 Violation of the irrigation management law	7	6	-	-	6	6	-	-	-
違反電業法 Violation of the electricity management law	8	8	-	-	8	7	1	-	-
違反海商法 Violation of the maritime commercial law	-	-	-	-	-	-	-	-	-
違反就業服務法 Violation of the employment services law	-	-	-	-	-	-	-	-	-
違反能源管理法 Violation of the energy management law	-	-	-	-	-	-	-	-	-
違反動產擔保交易法 Violation of the personal property secured transactions act	-	-	-	-	-	-	-	-	-
違反商業登記法 Violation of the commercial registration law	-	-	-	-	-	-	-	-	-
違反勞動基準法 Violation of the labor standards law	-	-	-	-	-	-	-	-	-
違反勞工安全衛生法 Violation of the labor safety and health law	-	-	-	-	-	-	-	-	-

**14. Results of Judgments and Rulings of Criminal Appeal Cases Concluded by the Supreme Court – by Crime Type(Cont. 5)**

2009

Unit: individual

Type of sentence			拘役 Detention	罰金 Punitive fine	免刑 Penalty released	無罪 Acquitted	免訴 Not prosecutable	不受理 Case declined	管轄錯誤 Mistake in Jurisdiction	緩刑 Suspension of punishment	保安處分 Rehabilitative measures
Time imprisonments											
逾五年至七年以下 Over 5 years to 7 years	逾七年至十年以下 Over 7 years to 10 years	逾十年 Over 10 years									
368	400	533	1	9	1	356	9	89	2	1	-
33	26	40	-	-	-	94	-	3	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	1	-	-	-	-	-
-	-	-	-	-	-	5	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
3	-	-	-	-	-	1	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
144	356	488	-	-	-	65	5	8	1	-	-
142	354	488	-	-	-	63	4	8	-	-	-
-	-	-	-	-	-	1	-	-	1	-	-
2	2	-	-	-	-	1	1	-	-	-	-
-	-	-	-	-	-	-	-	-	1	-	-
-	-	-	-	-	-	1	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-

14.最高法院刑事上訴確定案件裁判結果—按罪名別分(續六)

中華民國 98 年

單位：人

罪名別 Crime type	合計 Total	科刑							
		計 Subtotal	死刑 Death sentence	無期徒刑 Life sentence	有期徒刑				
					小計 Subtotal	一年以下 1 or less than 1 year	逾一年至二年以下 Over 1 year to 2 years	逾二年至三年以下 Over 2 years to 3 years	逾三年至五年以下 Over 3 years to 5 years
違反各種稅法 Violation of various taxation laws	12	9	-	-	8	8	-	-	-
違反臺灣省菸酒專賣條例 Violation of the taiwan provincial tobacco and alcohol monopoly act	-	-	-	-	-	-	-	-	-
妨害國幣懲治條例 Violation of the punishment for impairment of state currency act	14	12	-	-	12	-	-	2	-
違反醫師法 Violation of the physicians law	10	9	-	-	9	7	2	-	-
違反藥事法 Violation of the pharmaceutical affairs act	70	67	-	-	66	42	16	2	5
偽藥 Counterfeit medicine	70	67	-	-	66	42	16	2	5
其他 Other	-	-	-	-	-	-	-	-	-
違反麻醉藥品管理條例 Violation of the anaesthetics control act	2	2	-	-	2	-	-	-	-
違反著作權法 Violation of the copyright law	48	26	-	-	25	22	3	-	-
違法重製罪 Offense of unlawful reproduction	25	10	-	-	9	9	-	-	-
移轉所有權或公開陳列持有侵害著作權 Infringement of copyright by means of transfer of ownership, public display or possession	5	3	-	-	3	3	-	-	-
公開上映或改作出租侵害著作財產權 Infringement of copyright by means of public presentation, adaptation, or renting	-	-	-	-	-	-	-	-	-
侵害著作權或違法將重製物銷售國外 Infringement of copyright or unlawful sale of reproduced articles abroad	-	-	-	-	-	-	-	-	-
侵害著作權犯罪之常業犯 Offense of occupational infringement of copyright	18	13	-	-	13	10	3	-	-
違法重製銷售受保護之外國著作翻譯 Unlawful reproduction or sale of foreign works or translations under protection	-	-	-	-	-	-	-	-	-
違法利用他人著作罪 Offense of unlawful use of another person's work of authorship	-	-	-	-	-	-	-	-	-
虛偽記載登記罪 Offense of false entry or registration	-	-	-	-	-	-	-	-	-
其他 Other	-	-	-	-	-	-	-	-	-
違反建築法 Violation of the building law	-	-	-	-	-	-	-	-	-
違反公平交易法 Violation of the fair trade act	-	-	-	-	-	-	-	-	-
違反山坡地保育利用條例 Violation of the mountain slopes conservation and utilization law	15	13	-	-	13	11	2	-	-
違反野生動物保育法 Violation of the wildlife conservation law	4	4	-	-	4	4	-	-	-
違反水污染防治法 Violation of the water pollution control law	-	-	-	-	-	-	-	-	-
違反兩岸關係條例 Violation of the cross-strait relations act	71	69	-	-	69	27	20	7	15

**14. Results of Judgments and Rulings of Criminal Appeal Cases Concluded by the Supreme Court – by Crime Type(Cont. 6)**

2009

Unit: individual

Type of sentence			拘役 Detention	罰金 Punitive fine	免刑 Penalty released	無罪 Acquitted	免訴 Not prosecutable	不受理 Case declined	管轄錯誤 Mistake in Jurisdiction	緩刑 Suspension of punishment	保安處分 Rehabilitative measures
Time imprisonments											
逾五年至七年以下 Over 5 years to 7 years	逾七年至十年以下 Over 7 years to 10 years	逾十年 Over 10 years									
-	-	-	1	-	-	3	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
9	1	-	-	-	-	1	-	1	-	-	-
-	-	-	-	-	-	1	-	-	-	-	-
1	-	-	-	1	-	3	-	-	-	-	-
1	-	-	-	1	-	3	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
1	1	-	-	-	-	-	-	-	-	-	-
-	-	-	-	1	-	21	1	-	-	-	-
-	-	-	-	1	-	15	-	-	-	-	-
-	-	-	-	-	-	2	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	4	1	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	2	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	2	-	-	-	-	-

### 14.最高法院刑事上訴確定案件裁判結果—按罪名別分(續七完)

中華民國 98 年

單位：人

罪名別 Crime type	合計 Total	科刑							
		計 Subtotal	死刑 Death sentence	無期徒刑 Life sentence	有期徒刑				
					小計 Subtotal	一年以下 1 or less than 1 year	逾一年至二年以下 Over 1 year to 2 years	逾二年至三年以下 Over 2 years to 3 years	逾三年至五年以下 Over 3 years to 5 years
違反公司法 Violation of the company law	4	4	-	-	4	4	-	-	-
違反食品衛生管理法 Violation of the food sanitation control law	-	-	-	-	-	-	-	-	-
違反專利法 Violation of the patent law	-	-	-	-	-	-	-	-	-
偽造專利品罪 Offense of forgery of patented articles	-	-	-	-	-	-	-	-	-
竊用專利方法罪 Offense of wrongful use a patented process	-	-	-	-	-	-	-	-	-
販賣陳列輸入偽造之專利品罪 Sale, display or importation of forged patented articles	-	-	-	-	-	-	-	-	-
虛偽標示罪 Offense of false marking	-	-	-	-	-	-	-	-	-
違反商標法 Violation of the trademark law	1	1	-	-	1	1	-	-	-
侵害他人商標罪 Offense of trademark infringement	-	-	-	-	-	-	-	-	-
販賣陳列輸出入仿冒商標罪 Offense of sale, display, importation or exportation of counterfeit trademark	1	1	-	-	1	1	-	-	-
惡意使用他人商標文字罪 Offense of malicious use of another person's trademarked words	-	-	-	-	-	-	-	-	-
違反槍砲彈藥刀械管制條例 Violation of the guns, explosives and knives control act	572	555	-	-	555	25	60	49	262
國家安全法 National security law	-	-	-	-	-	-	-	-	-
集會遊行法 Mass gathering and demonstration act	-	-	-	-	-	-	-	-	-
違反銀行法 Violation of the banking law	36	30	-	-	30	7	2	4	13
違反選舉罷免法 Violation of the election and recall law	171	87	-	-	87	37	31	4	15
違反兒童及少年性交易防制條例 Violation of the children's and juvenile's sexual transaction prevention act	76	74	-	-	74	10	6	5	23
違反兒童及少年福利法 Violation of the children's and juvenile's welfare law	-	-	-	-	-	-	-	-	-
違反洗錢防制法 Violation of the Money Laundering Control Act	12	9	-	-	9	2	4	1	2
其他 Other	375	250	-	-	244	157	62	12	8

14. Results of Judgments and Rulings of Criminal Appeal Cases Concluded by the Supreme Court - by Crime Type(Cont. End)

2009

Unit: individual

Type of sentence			拘役 Detention	罰金 Punitive fine	免刑 Penalty released	無罪 Acquitted	免訴 Not prosecu- table	不受理 Case declined	管轄錯誤 Mistake in Jurisdiction	緩刑 Suspension of punishment	保安處分 Re- habilitative measures
逾五年至 七年以下 Over 5 years to 7 years	逾七年至 十年以下 Over 7 years to 10 years	逾十年 Over 10 years									
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
145	10	4	-	-	1	9	1	6	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	4	-	-	-	-	2	-	4	-	-	-
-	-	-	-	-	-	84	-	-	-	-	-
29	1	-	-	-	-	1	-	1	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	3	-	-	-	-	-
3	1	1	-	6	-	57	2	66	-	1	-