17.最高法院刑事上訴發回或發交更審案件次數及原因－按機關別分

中華民國 97 年　　單位：件

機關別 Organ	裁判件數 Cases repealed	發回或發交更審原因						
		合計 Total		調查證據不詳或未予調查 Incomplete or no investigation of evidence	採用證據未說明理由 No reason provided for evidence admitted	未採用證據未說明理由 No reason provided for evidence not admitted	判決理由矛盾 Contradiction of reasons for judgment	其他理由不備 Other non-provision of reason
		全部 All	部分 Part					
合計 Total	6 898	2 105	357	793	68	94	344	65
臺灣高等法院 Taiwan High Court	2 881	856	131	328	26	37	141	30
臺灣高等法院臺中分院 Taiwan High Court, Taichung branch	1 569	416	95	168	12	20	69	9
臺灣高等法院臺南分院 Taiwan High Court, Tainan branch	989	356	57	130	6	12	63	10
臺灣高等法院高雄分院 Taiwan High Court, Kaohsiung branch	1 145	349	54	119	19	19	53	11
臺灣高等法院花蓮分院 Taiwan High Court, Hualien branch	275	114	14	45	5	5	17	4
福建高等法院金門分院 Fujian High Court, Kinmen branch	21	6	4	2	-	1	-	-
其他 Others	18	8	2	1	-	-	1	1

17. Frequencies and Causes of Criminal Appeals Cases Remanded or Assigned for New Trial by the Supreme Court – by Organ

2008 Unit: case

Grounds for remand or assignment for new trial							
事實認定錯誤不符或不明或記載不明 Erroneous, inconsistent, or unclear ascertainment of facts or unclear record	已受請求事項未為判決 No judgment on a claimed matter	未受請求事項而為判決 Judgment on an unclaimed matter	判決不適用法規或適用不當 Judgment that does not apply or improperly applies a law or regulation	法院組織不合法 Illegal court organization	應迴避之法官參與裁判 Disqualified judge participates in adjudication	未將證據提示被告 Failure to present evidence to the defendant	未與被告以最後陳述之機會 Failure to avail the defendant with opportunity to present final statement
417	63	20	256	4	-	2	11
147	19	7	102	3	-	1	4
84	13	4	58	-	-	1	3
83	9	6	39	-	-	-	2
84	19	2	36	-	-	-	2
19	1	1	12	1	-	-	-
-	1	-	5	-	-	-	-
-	1	-	4	-	-	-	-

17.最高法院刑事上訴發回或發交更審案件次數及原因－按機關別分(續完)

中華民國 97 年　　單位：件

機關別 Organ	發回或發交更審原因 Grounds for remand or assignment for new trial									
	未經參與審理法官參與判決 Judge not participating in argument participates in judgment	被告未於審判期日到庭而逕行審判 Judgment made without the presence of defendant in court	加減法定刑未依法律規定或未說明理由 Increase or decrease of sentence inconsistent with law or without reason	應向被告宣讀之筆錄或書證未予宣讀 Failure to read the record or documentary evidence to the defendant	採證違法 Illegal evidence gathering	禁止審判公開非依法律之規定 Illegal ban on trial in open court	法院認管轄有無或未論知管轄錯誤係不當 Improdecision on jurisdiction or no pronouncement of wrong jurisdiction	法院受理訴訟或不受理訴訟係不當 Improenter-tainment or refusal of case by the court	強制辯護要件未經到庭辯護而逕行審判 Judgment made without defense in mandatory defense cases	未經檢察官或自訴人到庭陳述即為審判 Trial without statement by a public or private prosecutor in court
合計 Total	8	6	30	14	249	-	1	4	3	-
臺灣高等法院 Taiwan High Court	6	3	11	9	105	-	-	3	1	-
臺灣高等法院臺中分院 Taiwan High Court, Taichung branch	-	2	8	4	51	-	1	-	-	-
臺灣高等法院臺南分院 Taiwan High Court, Tainan branch	1	-	4	-	46	-	-	-	-	-
臺灣高等法院高雄分院 Taiwan High Court, Kaohsiung branch	1	1	4	1	32	-	-	-	-	-
臺灣高等法院花蓮分院 Taiwan High Court, Hualien branch	-	-	2	-	13	-	-	1	2	-
福建高等法院金門分院 Fujian High Court, Kinmen branch	-	-	1	-	-	-	-	-	-	-
其他 Others	-	-	-	-	2	-	-	-	-	-

17. Frequencies and Causes of Criminal Appeals Cases Remanded or Assigned for New Trial by the Supreme Court － by Organ(Cont.End)

2008 Unit: case

應停止或更新審判而未經停止或更新 Trial that shall be stayed or renewed but was not done so	其他 Other	發回件數占裁判件數百分比 Percentage of remanded cases among total adjudicated cases	發回或發交更審次數 Frequency of cases remanded or assigned for new trial								
			合計 Total	第一次 First time	第二次 Second time	第三次 Third time	第四次 Forth time	第五次 Fifth time	第六次 Sixth time	第七次 Seventh time	第八次以上 Eighth or more than eighth time
-	10	33.10	2 462	1 323	524	287	151	93	37	23	24
-	4	31.99	987	574	187	112	47	36	12	11	8
-	4	29.54	511	289	114	47	33	17	6	4	1
-	2	38.88	413	175	95	54	34	24	12	5	14
-	-	32.84	403	219	91	54	27	8	3	1	-
-	-	44.00	128	49	35	19	10	8	4	2	1
-	-	38.10	10	10	-	-	-	-	-	-	-
-	-	50.00	10	7	2	1	-	-	-	-	-