

刑事 準備程序二 狀

案 號：111 年度擬重訴字第 1 號
 股 別： 昃股

被 告 沈順天 址詳卷

選任辯護人 陳威延律師 址設臺南中西區忠義路二段 14 號 8 樓
 鄭婷婷律師 址設臺南市安平區慶平路 571 號 7 樓
 陳妙真律師 址設高雄市前金區中正四路 211 號 14 樓之 5，
 A101 室

為被告涉犯殺人、殺害直系血親尊親屬事件，謹依法提呈準備程序二狀事：

一、謹補充陳報本案辯護人於民國(下同)110 年 2 月 18 日刑事準備程序狀中，聲請傳喚證人沈素梅之預計詰問所需時間：

於分別調查犯罪事實之證據、量刑之證據時，
 「各」預計詰問證人沈素梅 30 分鐘。

二、本案辯護人謹補充提呈書證部分之證據清單如后，聲請依序調查下列證據，調查方法均依國民法官法第 74 條、第 76 條規定，宣讀、告以要旨或提示辨認：

(一)犯罪事實之部分：

編號	證據編號暨名稱	預計調查時間	待證事實
1	辯 1： 國立成功大學附設醫學院民國(下同)109 年 12 月 20 日成醫字第 1090008199 號函	10 分鐘	1. 被告的母親沈阿雪於 108 年 3 月 5 日第一次中風時並未傷及語言區，直至 109 年 2 月 22 日第二次中風前，仍然可以為言語

111

THE UNIVERSITY OF CHICAGO

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	暨附件影本乙份(沈阿雪 108 年間第一次中風病歷)。		表達。 2. 被告的哥哥沈寬明於 101 年 12 月 7 日中風後，仍然意識清楚。
2	辯 2： 國立成功大學附設醫學院民國 109 年 9 月 20 日成醫字第 1090006060 號函暨附件影本乙份(沈阿雪 109 年間第二次中風病歷、沈寬明病歷)。	15 分鐘	1. 被告的母親沈阿雪於第二次中風後，中風病況嚴重，但意識清楚。 2. 被告的哥哥沈寬明於 101 年 12 月 7 日中風後，中風病況嚴重，但意識清楚。
3	辯 3： 被告沈順天遺書影本乙份(共 7 頁)。	10 分鐘	被告沈順天實際上是受到母親沈阿雪、哥哥沈寬明二人的囑託、拜託，才不得已依照二人的意願殺害二人。被告沈順天的犯罪行為應該是成立刑法第 275 條第 1 項加工自殺罪，而不是成立刑法第 271 條第 1 項殺人罪及刑法第 272 條第 1 項殺害直系血親尊親屬罪。
4	辯 4： 「被告沈順天遺書」之電腦打字逐字稿乙份。	15 分鐘	同上。

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(二)量刑之部分：

編號	證據編號暨名稱	預計調查時間	待證事實
1	辯1： 國立成功大學附設醫學院民國109年12月20日成醫字第1090008199號函暨附件影本乙份(沈阿雪108年間第一次中風病歷)。	10分鐘	1. 於本案案發前，被告的母親沈阿雪、被告的哥哥沈寬明二人均已中風好一段時間(尤其是被告的哥哥沈寬明)。 2. 被告沈順天長期承受非常大的照護壓力及心理壓力。 3. 本案應從輕量刑，並有刑法第59條之適用。
2	辯2： 國立成功大學附設醫學院民國109年9月20日成醫字第1090006060號函暨附件影本乙份(沈阿雪109年間第二次中風病歷、沈寬明病歷)。	15分鐘	1. 被告的母親沈阿雪第二次中風、被告的哥哥沈寬明中風後，中風病況嚴重，顯然無法正常生活，復原無望。 2. 被告沈順天因此承受非常大的照護壓力及心理壓力。 3. 本案應從輕量刑，並有刑法第59條之適用。
3	辯3： 被告沈順天遺書影本乙份(共7頁)。	10分鐘	1. 被告沈順天長期承受非常大的照護壓力及心理壓力，實際上是不忍心繼續看到母親沈阿雪、哥哥沈寬明的餘生病痛纏身又復原無望，才心痛地依

1. The first part of the document discusses the importance of maintaining accurate records of all transactions.

2. It is essential to ensure that all entries are supported by appropriate documentation.

3. Regular audits should be conducted to verify the accuracy of the records.

4. The second part of the document outlines the procedures for handling discrepancies.

5. Any errors identified during the audit process should be promptly investigated.

6. The findings of the audit should be reported to the appropriate authorities.

7. The third part of the document provides a detailed explanation of the accounting principles.

8. These principles are fundamental to the understanding of financial statements.

9. The fourth part of the document discusses the role of the auditor in the financial reporting process.

10. Auditors are responsible for providing an independent opinion on the financial statements.

11. The fifth part of the document outlines the requirements for the auditor's report.

12. The report should clearly state the scope of the audit and the results of the examination.

13. The sixth part of the document discusses the importance of transparency in financial reporting.

14. Transparency is essential for building trust and confidence among investors and other stakeholders.

15. The seventh part of the document provides a summary of the key points discussed in the document.

16. It is hoped that this document will provide a comprehensive overview of the subject matter.

17. The eighth part of the document discusses the challenges faced by auditors in the current environment.

18. These challenges include the increasing complexity of financial transactions and the need for continuous professional development.

19. The ninth part of the document outlines the future prospects for the auditing profession.

20. It is expected that the profession will continue to evolve and adapt to the changing needs of the business world.

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			照二人之囑託、拜託而殺害二人。 2. 本案應從輕量刑，並有刑法第 59 條之適用。
4	辯 4： 「被告沈順天遺書」 之電腦打字逐字稿乙份。	15 分鐘	同上。
5	辯 5： 被告沈順天之前案紀錄表影本乙份。	5 分鐘	被告沈順天於本案發生之前，素行良好，沒有重大犯罪之紀錄。
6	辯 6-1 至 6-3： 司法院量刑趨勢系統參考資料，共三份。	15 分鐘	退萬步言之，「假設」被告沈順天之犯罪行為應該成立刑法第 271 條第 1 項殺人罪及刑法第 272 條第 1 項殺害直系血親尊親屬罪（假使語氣，非自承），觀察司法院量刑趨勢系統，也不應該量處死刑或無期徒刑，而是應該量處有期徒刑。

三、謹提呈證據清單、證物如上，懇請 鈞院鑒核，實感德便。

謹 狀

臺灣臺南地方法院 刑事庭 公鑒

證物欄

辯 1：國立成功大學附設醫學院民國(下同)109 年 12 月 20 日
成醫字第 1090008199 號函暨附件影本乙份(沈阿雪 108
年間第一次中風病歷)。

1. The first part of the document
describes the general situation
of the country.

2. The second part
describes the
economic situation.

3. The third part of the document
describes the social situation
of the country. It includes
information about the population,
the education system, and
the health care system. It also
describes the cultural heritage
of the country and the role
of religion in society.

4. The fourth part of the document
describes the political situation
of the country. It includes
information about the government,
the legal system, and the
relationship between the
government and the people.

5. The fifth part of the document
describes the international
relations of the country.

6. The sixth part of the document
describes the future prospects
of the country.

7. The seventh part of the document
describes the role of the
international community in
the development of the country.

8. The eighth part of the document
describes the role of the
private sector in the
economy.

辯2:國立成功大學附設醫學院民國109年9月20日成醫字第1090006060號函暨附件影本乙份(沈阿雪109年間第二次中風病歷、沈寬明病歷)。

辯3:被告沈順天遺書影本乙份(共7頁)。

辯4:「被告沈順天遺書」之電腦打字逐字稿乙份。

辯5:被告沈順天之前案紀錄表影本乙份。

辯6-1至6-3:司法院量刑趨勢系統參考資料,共三份。

中華民國 1 1 1 年 2 月 21 日

具狀人 沈順天

選任辯護人 陳威延律師

鄭婷婷律師

陳妙真律師



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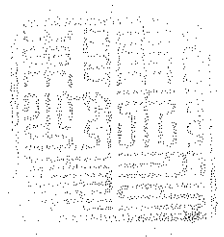
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