



ILLUSTRATION: BLAKE CARTER

Guilty by association?

A new forensic study in Taiwan's most infamous murder case found no evidence against the three co-defendants and concludes that the 'Hsichih Trio' most likely were not present at the scene of the 1991 crime

BY CELIA LLOPIS-JEPSEN
CONTRIBUTING REPORTER

Early in the morning of March 24, 1991, a married couple were stabbed to death in their apartment in Sijih (沙止), Taipei County. Wu Min-han (吳銘漢) and Yeh Ying-lan (葉盈蘭) were found on the floor of their master bedroom. The scene bore testimony to a frenzied murder: The walls, furniture and floor were splattered with blood. The victims' clothes and blankets were soaked in it. Their bodies bore a total of 79 wounds, mostly on their upper torsos and heads.

Within a year, a man whose fingerprints were found at the scene was convicted and sentenced to death. Wang Wen-hsiao (王文孝) was serving in the military at the time and was swiftly tried and executed under military law.

But Wang was not the only suspect. Three civilians were also arrested, convicted and sentenced to death. Their story took a very different turn. Nineteen years later, Su Chien-ho (蘇建和), Liu Bin-lang (劉秉郎) and Chuang Lin-hsun (莊林勳) are still at trial.

Known in English as the "Hsichih Trio" — a reference to Sijih, but with an alternate spelling — their tale is Taiwan's most controversial murder case.

Defense lawyers have long claimed that the trio were tortured into confessing and convicted without a shred of evidence. Now, the lawyers hope, a new forensic study by a prominent expert will settle the matter once and for all.

Su, Liu and Chuang were 19 years old at the time of their arrest in August 1991. Wang had been detained a few days earlier, and prosecutors did not believe his claims that he committed the crime alone. During repeated interrogations, he changed his statement, adding a number of accomplices, including his brother, Wang Wen-jung (王文忠).

Wang Wen-jung was detained and confessed — allegedly under torture — to acting as a lookout. He named three friends as accomplices: Su, Liu and Chuang. He later retracted his confession, citing torture.

Su, Liu and Chuang were detained and they, too, confessed. They also retracted their statements later, citing the same reason.

In 1995, the Hsichih Trio's story seemed to be finished. They had lost their trials at the District and High Courts, and the Supreme Court, which has the final word in all death penalty cases, approved the sentence and sent them to death row.

But the sentence wasn't carried out. Lawyers and human rights activists pushed to reopen the case, while justice ministers repeatedly balked at signing the execution order. Finally, in 2000, defense lawyers scored a victory: The High Court granted a retrial.

Three years later, the ruling seemed to seal that victory: Su, Liu and Chuang were found not guilty and released.

When the case proceeded to the Supreme Court, however, the ruling was rejected and another retrial was ordered. This time, the retrial ended with a guilty judgment in 2007. Now the men found themselves facing the death penalty again, but in a bizarre twist, the judges chose not to re-detain them while the Supreme Court reviewed the latest judgment.

A few months later, the Supreme Court rejected the

second ruling, too, ordering yet another retrial. Critics accused the court of trying to dodge controversy by simply refusing to bring the case to an end.

Today, the men are still free. Their latest retrial is drawing to a close, with the ruling expected late next month. Regardless of the outcome, this may not be the last retrial, as the judgment will have to win the Supreme Court's approval.

The current trial is distinguished by the new forensic work, which casts doubt on prosecutors' claims.

At the beginning of the trial, the court granted a request by the defense to order a fresh analysis of the evidence. It appointed Taiwanese forensic scientist Dr Henry Lee (李昌钰) to carry out the work.

The decision turned heads in judicial circles. Forensic work in Taiwan is normally carried out by investigators at police departments and the Ministry of Justice's Institute of Forensic Medicine. And Lee had previously testified for the defense in 2007, when he was called to comment on alleged flaws in earlier forensic analyses.

Lee is a prominent forensic scientist in the US, where he has worked on a number of high-profile cases, including the murder of JonBenet Ramsey.

He completed his forensic report last year and was called to testify on Aug. 13. The *Taipei Times* obtained a copy of his report.

Lee's analysis suggests a story very different from the crime described in the 1991 indictment.

According to the indictment, Wang Wen-hsiao, Su, Liu and Chuang entered the apartment in search of valuables. Su, Chuang and Liu came armed with a machete, a baton and a fruit knife — which they later also took with them from the crime scene. Wang Wen-hsiao used a meat cleaver he found in the kitchen. Three of the suspects held down the victims in their bedroom while the fourth searched for valuables. The suspects then took turns raping Yeh. The stabbing and bludgeoning began when her husband tried to stop them.

After the crime, the indictment said, the men cleaned the bedroom for fingerprints, cleaned themselves in the bathroom, put Yeh's clothes back on, returned the meat cleaver to the kitchen and left. Only a few fingerprints, belonging to Wang, were accidentally left intact, it said.

Lee used enlarged original photographs from the scene of the crime as well as autopsy records to reconstruct the murders on site at the original location in Sijih. Based on his analysis, Lee concluded that the scenario laid out by prosecutors was "highly improbable."

The location of the bodies and bloodstains in the room indicate a very different course of events, he says in his report. A single intruder entered the bedroom and began opening a drawer in search of valuables. The couple woke up and were attacked with a large knife while still in bed. Wu managed to stand up during the attack but succumbed quickly under a barrage of hacking. Yeh was able to move across the bed before falling onto the floor.

Once they were immobilized on the floor, the killer continued to hack at their heads wildly until he was certain they were dead. The intruder then searched the room and left.

Deep bone wounds on both bodies indicate the murderer was swinging a large knife in a wide arc and bringing it down with "extreme force," Lee says in his report. He believes the couple were immobilized very quickly.

Several of Lee's findings directly contradict the indictment. There were no bludgeon wounds on the bodies. Intact bloodstains and blood pools show no indications of any cleaning after the crime. Unsmearred blood on Yeh's clothes and around her body indicate that she was not undressed and redressed. No semen or other indicators consistent with sexual assault were found on her body.

Lee found that it would be "almost impossible" for four people to have carried out the murders together.

Based on the position of blood pools, stains and splatters, the victims' bodies and the angle of the knife wounds, Lee determined that the murderer was standing within a very confined area during his attack.

"There is not sufficient space available to accommodate the type of assault-murder described in the indictment," he writes.

Moreover, had four killers been standing around the victims, their bodies would have intercepted much of the blood that splattered onto the surrounding walls and furniture. Yet profuse amounts of uninterrupted blood splatters were recorded.

As for the murder weapon, Lee disagrees with previous forensic reports that said the wounds on the victims' bodies indicate that more than one knife was used. The wounds could all have been caused by a meat cleaver, Lee says.

Finally, he notes the lack of any fingerprints or other evidence linking Su, Chuang and Liu to the scene.

He concludes: "Based on the distribution and conditions of the bloodstain patterns, the reconstruction of the crime scene, and the fact that only one person's bloody fingerprint and one type of shoeprint were found at the scene, there is a high likelihood that Wang Wen-hsiao acted alone in committing this crime."

By law, Su, Chuang and Liu must be presumed innocent until proven guilty.

Articles 154 and 301 of the Code of Criminal Procedure (刑事訴訟法) state that every defendant shall be presumed innocent until proven otherwise, that guilt can only be proven through evidence and that absent this evidence, the defendant shall be acquitted.

But their defense lawyers say this code has been disregarded at trial after trial. Nevertheless, the defense counsel hopes Lee's report could be what is needed to tip the scales in their clients' favor.

The last time Lee testified, in May 2007, the prosecution argued that his statement did not legally constitute testimony. Under Article 198 of the Code of Criminal Procedure, judges and prosecutors — but not defense lawyers — "may select one or more expert witnesses."

Seven weeks later the judges found the trio guilty. Prosecutors no longer have recourse to that argument, as Lee's role in this trial is court-appointed. That means, the defense hopes, that the outcome this time around may be different.