

刑事聲請再審狀(發現確實之新證據)
Criminal Motion for Retrial
(Discovery of new substantial evidence)

承辦股別：

Section:

案號： 年度 字第 號 案

Case No.: year zhi No. in the matter of

聲請人（即被告、告訴人、代理人）：

Proposer (Defendant, Complainant, Agent):

年籍：

Date of Birth:

國民身分證統一編號/護照號碼/居留證號

National ID No./Passport No./Alien Resident Certificate No.

住址：

Address:

電話： 電子郵件：

Tel.: E-mail:

送達代收人：

Agent for the Service of Process:

送達處所：

Place for the Service of Process:

因發現確實之新證據，聲請再審事：

Due to the discovery of new evidence, this motion requests for a retrial:

一、按有罪之判決確定後，發現確實之新證據，足認受有罪判決之人應受無罪、免訴、免刑或輕於原判決所認罪名之判決者，為受判決人之利益，依刑事訴訟法第420條第1項第6款之規定，得聲請再審。

1. Where the discovery of new evidence is sufficient to show that the convicted shall be acquitted, exempt from prosecution, remitted the punishment or sentenced for an offense less serious than the one in the original judgment, a motion for retrial may be filed for the interest of the party subject to the judgment pursuant to Sub-paragraph 6, Paragraph 1, Article 420 of the Code of Criminal Procedure.

二、聲請人因 _____ 案件，經臺灣高等法院__分院__年度字第____號判決確定。該確定判決認定聲請人犯罪，是根據（請寫明判決所憑之證據）。但是_____等情（請寫明所發現之新事實），有_____（請寫明所發現之新證據）可資證明，足認聲請人應受無罪之判決。

2. The Proposer has received the final judgment of the Taiwan High Court _____ Branch _____ year zhi No. _____ in the matter of _____. The final judgment has determined that the Proposer is guilty of the crime based on _____ (please specify the evidence supporting the original judgment). However, (specify the new fact), as proved by _____ (specify the new evidence). It is apparent that the Proposer shall be acquitted.

三、聲請人因未發現前開證據，致未主張該有利於己之情事，始被判處罪刑確定，為此，依法聲請再審。

3. The Proposer was unable to make an argument in favor of him/herself because he/she did not discover the foregoing material evidence and was thereby subject to a guilty judgment. The Proposer hereby requests for the retrial according to the law.

謹 狀

臺灣高等檢察署(檢察分署) 公鑒

TO

Taiwan High Prosecutors Office (Branch)

聲請人：

簽名蓋章

Proposer:

Signature/Stamp

中 華 民 國 年 月 日

Date: (mm)/ (dd), (yyyy)