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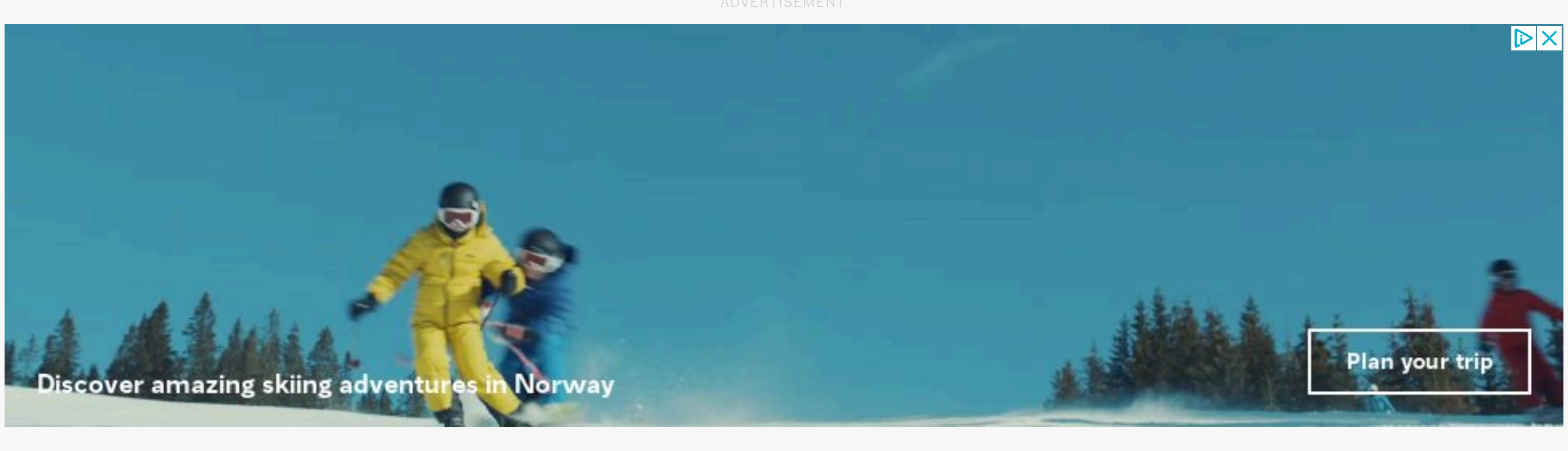

Chinese Court Overturns a Young Tycoon's Death Sentence

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By Edward Wong
April 20, 2012

BEIJING — The Supreme People's Court on Friday overturned the death penalty against a 31-year-old woman who was convicted of financial fraud three years ago after becoming rich through a company that sold beauty products and other goods.

The case of the woman, Wu Ying, ignited an enormous outcry in China, especially on the Internet, and strengthened public criticism of the death penalty.

Xinhua, the state news agency, reported that the supreme court, which agreed in February to review the case, refused to approve the death sentence imposed by a lower court and said that the sentence needed to be revised by the High People's Court of Zhejiang, a coastal province that is home to Ms. Wu and many other entrepreneurs.

Ms. Wu was sentenced to death in December 2009 by the Jinhua Intermediate People's Court in Zhejiang for cheating investors out of $60.2 million. Ms. Wu, the founder of Bense Holding Group, raised $122 million from investors between 2005 and 2007, according to official reports.

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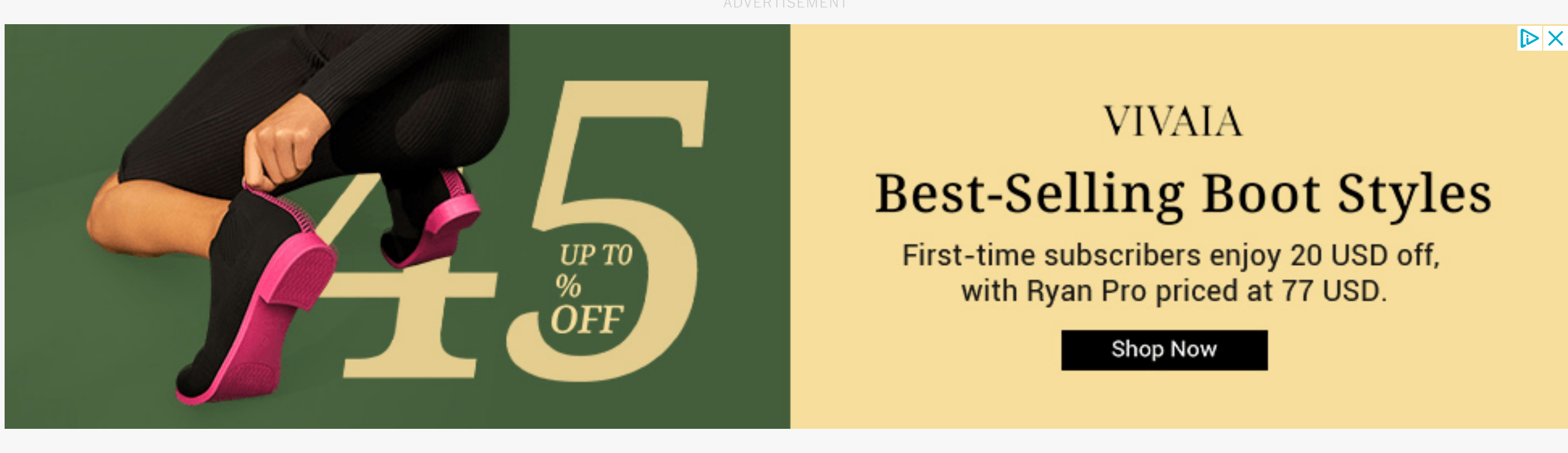

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Her supporters said she had been transparent in her business dealings and had not tried to hoodwink investors. Rather, they said, she was trying to raise money through private financing and loans. In China, private entrepreneurs can have a tough time getting financing from state banks, which prefer to lend to state-owned enterprises. In Zhejiang, and particularly in the manufacturing city of Wenzhou, near Ms. Wu's hometown, underground lending markets catering to ambitious entrepreneurs have sprung up as a result.

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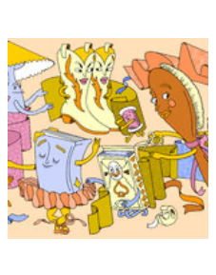
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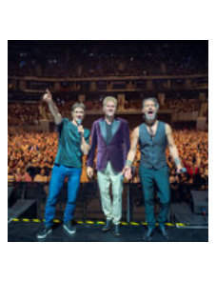
The Scandinavian Soft Rock Band That's Big in Asia

Critics of the lower court's decision also said that double standards had been applied in Ms. Wu's case: well-connected defendants convicted of financial fraud appeared to get more lenient sentences, they said, than did Ms. Wu, a self-made tycoon who quit school as a teenager.

Opponents of the death penalty praised the supreme court's decision and posted triumphant comments on microblogs, where discussion of Ms. Wu's case had gained the most traction, especially among intellectuals.

"This is a victory for Internet public opinion in China," wrote Hu Xijin, the editor of Global Times, a populist newspaper that often takes a nationalistic line. "I still say this: No murder, no death penalty. This applies to everyone."

Wu Ying in 2007, the year she was arrested for fraud. China Daily/Reuters

He Bing, the outspoken vice dean of the law school at the China University of Political Science and Law, wrote, "It should be recognized that the Internet provides a convenient venue for public supervision of justice."

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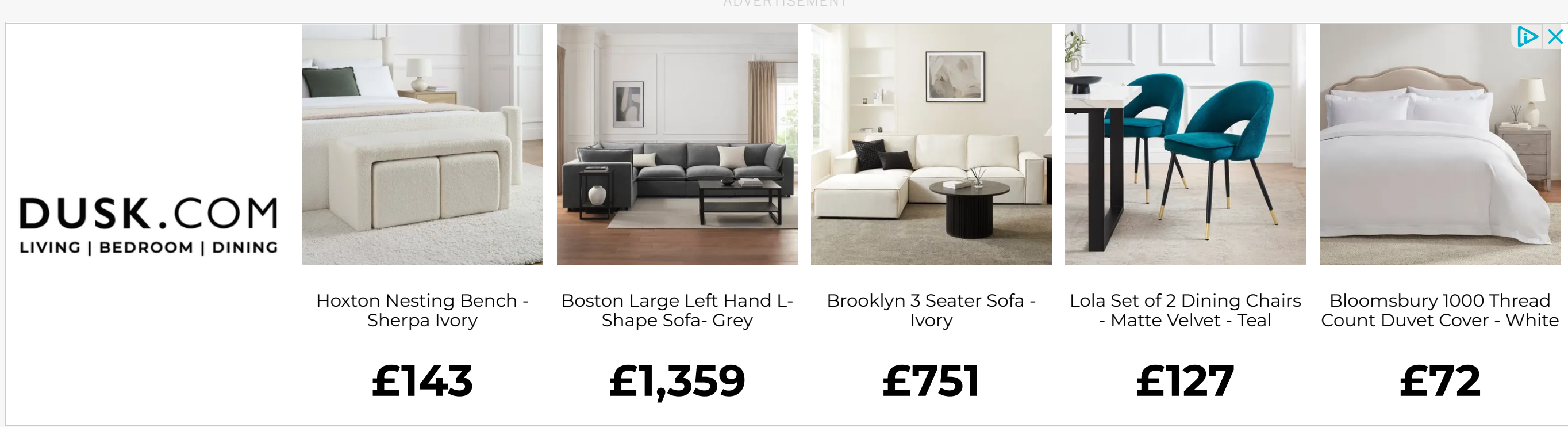

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But in its ruling, the supreme court reaffirmed the guilty verdict in the case. That raises the prospect of Ms. Wu's supporters continuing to lobby the courts to overturn the original verdict.

"Wu obtained an extremely large sum of money through fraudulent fund-raising, causing severe losses to the victims, undermining the national financial order and creating extremely harmful effects, and thus entails a penalty in line with the law," the supreme court said in its ruling, according to Xinhua.

In an online interview with Internet users, Ms. Wu's father, Wu Yongzheng, said he was "not satisfied" with the review by the supreme court and did not trust the court in Zhejiang to resentence his daughter.

Jerome A. Cohen, a scholar of Chinese law at New York University, said in an e-mail interview that the supreme court decided that the accused need not be sentenced to immediate execution, opening the way for a new sentence, including death with a two-year suspension. That usually means that the convicted person will never be executed; after two years of good behavior, he or she might get a life sentence.

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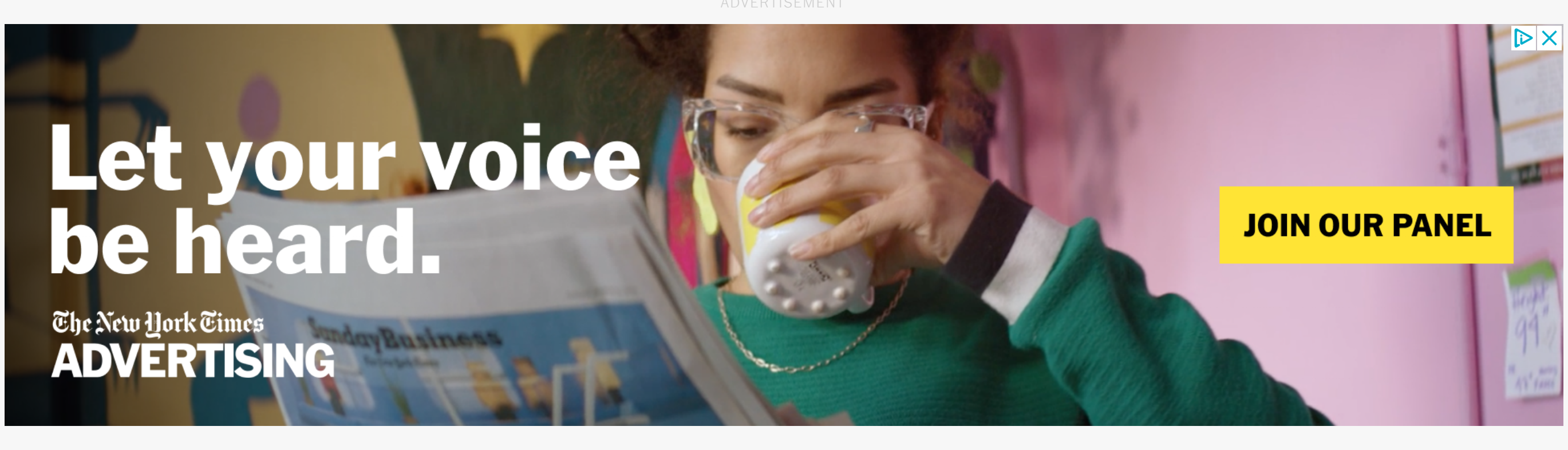

"But, by sending the case back for resentencing, it leaves open the possibility that Wu may immediately get an even lighter sentence than a two-year suspended death penalty, such as 15 years," Professor Cohen said. "This seems a typical Chinese judicial compromise between what those who call for the death penalty wanted and what Wu's many supporters, both popular and professional, have called for."

China executes more criminals than any other nation, but it is not unusual for a high court to reject a death sentence after a review. People following Ms. Wu's case expected the supreme court to reject the original sentence after Prime Minister Wen Jiabao said at a news conference in March that the court should handle her case carefully.

Some people say the supreme court's decision could also be related to a political scandal that has enveloped the highest ranks of the Communist Party.

Famously, there were no rejections by higher courts of any of the 13 recent death sentences that resulted from what was billed as an anticrime campaign in the western metropolis of Chongqing. That campaign, called "smash the black," was started by Bo Xilai, the city's party chief and ambitious member of the central Politburo.

But Mr. Bo was removed from his Chongqing post in March and is now under investigation for "serious disciplinary violations" while his wife, Gu Kailai, is being investigated in the murder of a British businessman, Neil Heywood. Many prominent lawyers say the smash the black campaign was an affront to the justice system, and some victims of it say it was an effort by Mr. Bo to destroy his or his allies' personal enemies.

Li Bibo and Edy Yin contributed research.

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