

刑事聲明上訴狀

案 112年度上訴
字第3114號 號

113年度 112 字第

3114 號

承辦股別

訴訟標的
金額或價額

新臺幣

元

稱

謂

姓名或名稱

依序填寫：國民身分證統一編號或營利事業統一編號、性別、出生年月日、職業、住居所、就業處所、公務所、事務所或營業所、郵遞區號、電話、傳真、電子郵件位址、指定送達代收人及其送達處所。

上訴人
(即被告或
自訴人)

國民身分證統一

郵遞區號：407

電話：+886 975-474-889

傳真：

電子郵件位址：Ross@iLearn.tw

送達代收人：

送達處所：

為聲明上訴事：

上訴人不服 臺中高等法院 113 年度 字第 3114 號判決，特於

法定期間內就原判決之 ☐ 全部提起上訴 ☐ 一部提起上訴，

上訴部分為：基於我在極度壓力、恐懼及自身安全的必要狀態下所做出的行為，並結合我所擁有的影片證據及五位證人的證詞，所有觀看此證據的人都會同意，我確實有充分的理由感到害怕並處於恐懼和壓力之中。因此，這些證據應當在審理過程中得到充分考慮。

理由：

本人對臺中高等法院之判決結果不服，原因如下：

1. 本人所做之行為乃出於極度壓力及必要情況下的自衛行為，並非故意違法。
2. 原審未有充分考慮證人的重要證詞，這對案件審理至關重要。
3. 判決所判處的罰款及刑期遠超所應承擔之責任。
4. 原審過程中，法院人員之行為令人質疑其公正性，並懷疑有外部影響或壓力。
5. 本人已持續遭受房東之法律騷擾，這似乎是蓄意毀滅本人經濟及情感上之計劃。

故提出上訴，懇請法院重新審理並公正裁決。

此 致

法院 轉送

法院 公鑒

證物名稱
及 件 數

證人 (Witnesses), 視頻證據 (Video evidence), 電子郵件通信 (Email correspondences),
事件報告 (Incident reports), 與情緒壓力相關的醫療記錄 (Medical records related to emotional distress)
See USB

中 華 民 國

年

月

日

具狀人

簽名蓋章

撰狀人

簽名蓋章

Reasons for Appeal

1. Necessity and Duress as a Defense:

- The core argument for the appeal is that the actions taken, specifically the brief publication of the rental contract, were done under a state of duress and necessity. This defense is supported by the continuous harassment and unresolved safety hazards in the rental property, which created a genuine and reasonable fear for personal safety. Under Taiwanese law, actions taken out of necessity to prevent imminent harm or danger should be exempt from criminal liability. The lower courts failed to properly consider the application of this defense, leading to an unjust conviction.

2. Failure to Consider Key Witness Testimonies:

- The lower courts did not adequately consider the testimonies of five key witnesses who could have corroborated the claims of harassment, safety issues, and the state of duress under which the actions were taken. These witnesses are essential in providing a complete and fair assessment of the circumstances that led to the necessity defense. The absence of their testimonies significantly undermines the fairness and completeness of the judicial process, necessitating a reconsideration by the higher court.

3. Disproportionate Sentencing:

- The penalties imposed, including nearly NT\$750,000 in fines and a six-month jail sentence, are grossly disproportionate to the alleged offense of briefly publishing a rental contract. This punishment does not reflect the nature of the act, especially given that it was done out of necessity and was rectified immediately. The sentence does not align with the principles of proportionality that should guide judicial decisions, particularly when the actions were driven by a need to protect personal safety.

4. Concerns of Judicial Impartiality and Potential Corruption:

- There are serious concerns regarding the impartiality of the judicial process, evidenced by the conduct of certain court personnel and the suspicious absence of the official translator during a crucial hearing. Moreover, the involvement of the landlord as a self-appointed translator during court proceedings raises questions about the fairness and integrity of the process. These irregularities suggest potential external influences that may have compromised the impartiality of the judicial proceedings.

5. Ongoing Legal Harassment:

- The continuous legal actions initiated by the landlord appear to be part of a deliberate strategy to financially and emotionally devastate the appellant. This pattern of legal harassment should be recognized by the court as an abuse of the legal process, further justifying the need for a higher court to intervene and provide relief.

6. Failure to Address the Original Appeal's Merits:

- The previous appeal was dismissed without a thorough examination of the merits of the arguments presented, particularly the necessity defense and the key witness testimonies. This procedural oversight must be corrected to ensure that justice is properly administered.

Final Thoughts

In addition to the aforementioned legal arguments, I would like to bring to the court's attention the broader context of the past two years of relentless legal actions initiated by my landlord, which I believe are not only unjust but potentially criminal in themselves. The continuous barrage of legal threats, combined with the frightening and often incomprehensible legal documents I have received, has left me in a state of constant fear and anxiety. As an immigrant who has called Taiwan home since 2009, I have found myself without the financial means to secure legal representation, further compounding the distress of this situation.

It is my firm belief that the penalties and criminal charges imposed on me are entirely unwarranted given the circumstances. Instead, it is the landlord who should be facing scrutiny for her actions, which appear to be part of a calculated effort to remove me from my home, driven by a clear awareness of her own guilt. Her continuous legal harassment has only deepened her culpability, creating a situation where justice demands that she, rather than I, be held accountable for her actions.

Given these factors, I respectfully urge the court to reconsider my case with a full understanding of the context and the severe emotional and financial toll it has taken on me. I trust that the court will see the injustice in this matter and provide the relief that is so desperately needed.

上訴理由

1. 基於必要性和壓力的辯護：

○此次上訴的核心論點在於，我所採取的行動，特別是短暫公開租賃合同的行為，是在壓力和必要性的狀態下進行的。這一辯護理由得到了持續騷擾和租賃物業中未解決的安全隱患的支持，這些情況導致了我對人身安全的真實且合理的恐懼。根據台灣法律，為了防止即將發生的危害或危險而採取的必要行動，應免於刑事責任。下級法院未能正確考慮這一辯護理由的適用，導致了不公正的判決。

2. 未能考慮關鍵證人的證詞：

○下級法院未能充分考慮五位關鍵證人的證詞，這些證詞可以證實騷擾、安全問題以及我所處的壓力狀態。這些證人對於完整、公正地評估導致必要性辯護的情況至關重要。缺乏他們的證詞，嚴重削弱了司法程序的公平性和完整性，因此需要高級法院重新考慮此案。

3. 量刑過重：

○此次判決所施加的罰款，包括接近新台幣75萬元的罰款和六個月的監禁，與所指控的短暫公開租賃合同的罪行相比，顯得極為不相稱。這一懲罰並未反映該行為的性質，尤其是該行為是出於必要性並且已立即得到糾正的情況下。該判決並未遵循應引導司法決策的比例原則，尤其當這些行為是出於保護人身安全的需要時。

4. 司法公正性和潛在腐敗的擔憂：

○在此次司法程序中，出現了一些令人擔憂的情況，包括某些法院人員的行為以及在關鍵聽證會中官方翻譯缺席的可疑情況。此外，房東作為自任翻譯的參與，使得該過程的公平性和完整性受到質疑。這些不規則現象表明，可能存在外部影響，從而損害了司法程序的公正性。

5. 持續的法律騷擾：

○房東所發起的持續法律行動，似乎是有意圖地經濟和情感上摧毀上訴人。這種法律騷擾模式應被法院認定為對法律程序的濫用，進一步證明有必要由高級法院介入並提供救濟。

6. 未能處理原上訴的實質內容：

○上一次上訴在未充分審查所提出的論點實質內容的情況下被駁回，特別是必要性辯護和關鍵證人的證詞。這一程序上的疏忽必須得到糾正，以確保公正的司法執行。

結語

除了上述法律論點外，我還希望法庭能注意到過去兩年中，我的房東發起的持續法律行動所帶來的更廣泛的背景，這些行動不僅是不公正的，而且可能本身就是犯罪行為。持續的法律威脅，加上我所收到的令人恐懼且往往難以理解的法律文件，使我處於持續的恐懼和焦慮狀態。作為自2009年以來定居台灣的移民，由於缺乏財力來聘請律師，這種情況進一步加劇了我的困境。

我堅信，基於這些情況，對我所施加的刑事指控和處罰完全是不應有的。相反，應該受到審查的是房東的行為，她的行為顯然是一種蓄意的策略，旨在將我驅逐出我的住所，這顯示了她對自身罪行的清楚認識。她的持續法律騷擾只會加深她的罪責，創造出一個必須由正義來裁決的局面，即她而不是我，應該為她的行為負責。

鑑於這些因素，我懇請法院在充分理解背景和我所遭受的嚴重情感及經濟損失的情況下，重新考慮我的案件。我相信，法院將會看到此案中的不公正之處，並提供我迫切需要的救濟。

Brief USB Contents Overview

This USB contains essential videos, emails, text messages, and documents that detail the ongoing issues I've faced with my landlord and associated parties. The following guide summarizes key content and its significance, providing context for the legal and personal challenges documented within.

Key Videos

1. Privacy and Security: Of the Utmost Importance

- *Overview:* A pivotal moment where my frustration culminated after prolonged neglect, particularly concerning the rolling metal gate.
- *Significance:* Highlights critical safety concerns and the turning point in my efforts to seek resolution.

2. Farcical Mediation Event

- *Overview:* A mediation session that exposed the irrational and threatening behavior of the landlord's husband.
- *Significance:* Demonstrates the intimidation and the pressing need for secure living conditions. Anyone would want a door that locks after seeing the antics of this maniac screaming "get out of my house"

3. Weber Visits

- *Overview:* A late-night visit from a concerned friend, Weber, raising safety concerns.
- *Significance:* Reflects the heightened anxiety and perceived threats in an already volatile situation.

4. Bella Meeting (November 17th)

- *Overview:* A meeting where trivial matters overshadowed serious safety concerns, such as the faulty door.
- *Significance:* Illustrates the disregard for tenant safety and the trivialization of significant issues.

5. Wouldn't You Feel Intimidated?

- *Overview:* A personal account of the fear and frustration experienced due to ongoing harassment.
- *Significance:* Provides insight into the emotional toll and the environment of intimidation.

6. Classy Surprise Visit (January 22, 2021)

- *Overview:* An unannounced visit from Paul, leading to a deceptive agreement.
- *Significance:* Highlights the manipulation and failure of authorities to provide protection.

7. Paul Knows the Button Doesn't Work

- *Overview:* An incident where Paul and others spent 40 minutes "inspecting" a non-functioning button, serving as harassment.
- *Significance:* A clear example of the bizarre and intimidating tactics used.

8. Landlord Scam

- *Overview:* An analysis of a meeting full of deceit, exposing multiple lies.
- *Significance:* Critical for understanding the consistent dishonesty throughout this ordeal.

9. Lies from Hsinchu

- *Overview:* A detailed explanation of all the boldfaced lies told during the attack humiliation, defamation, and intimidation I endured by her husband.
- *Significance:* Provides concrete evidence of deception.

Key Files

1. All Emails and Text Messages

- *Content:* A complete record of communications between myself and the landlord.
- *Significance:* Essential for understanding the full scope of the issues and my attempts at resolution.

2. Efforts

- *Content:* Evidence of Vanessa's communications with the landlord.
- *Significance:* Demonstrates the persistence and difficulties faced.

3. Rental Agreement

- *Content:* The rental agreement, with emphasis on the rolling metal gate clause.
- *Significance:* Important for understanding attempts to exploit the agreement and my efforts to prevent it.

Additional Content

This USB also includes a variety of other videos and documents. Please feel free to review these at your discretion. Dates and titles should guide you in exploring the broader context and additional evidence.

YouTube Videos

For additional context, several of these videos are available on YouTube with subtitles in multiple languages. Visit iLearn.tw/landlord to access these videos.

Conclusion

This guide provides an overview of the key content within this USB, designed to document the extensive legal and personal challenges I've faced. Your careful review of these materials is appreciated as they form a critical part of understanding the full scope of this situation.

USB內容簡介

此USB包含一系列重要的影片、電子郵件、簡訊和文件，詳細記錄了我與房東及相關人員之間的持續問題。以下指南對關鍵內容及其重要性進行了摘要說明，並為其中記錄的法律及個人挑戰提供背景信息。

關鍵影片

1. 隱私與安全：至關重要

- 概述：這是一個關鍵時刻，當我的挫折感在長期的忽視後達到頂點，特別是在滾動金屬門的問題上。
- 重要性：強調了關鍵的安全問題以及我為解決問題所做努力的轉折點。

2. 荒謬的調解事件

- 概述：一次調解會議暴露了房東丈夫的不理智和威脅行為。
- 重要性：展示了恐嚇行為以及對安全居住環境的迫切需求。看到這個瘋子喊著“滾出我的家”後，任何人都會想要一扇能夠鎖上的門。

3. Weber拜訪

- 概述：晚間，一位擔憂我安全的朋友Weber來訪，提出安全方面的擔憂。
- 重要性：反映了在已經不穩定的情況下，焦慮感和感知到的威脅加劇。

4. Bella會議 (11月17日)

- 概述：一次會議中，瑣碎的問題掩蓋了如故障門這樣的重大安全隱患。
- 重要性：說明了對租戶安全的漠視以及對重大問題的輕描淡寫。

5. 你不會感到被恐嚇嗎？

- 概述：描述了我因持續的騷擾而感到的恐懼和挫折。
- 重要性：提供了對情緒壓力和恐嚇環境的洞察。

6. 高雅的突襲拜訪 (2021年1月22日)

- 概述：Paul的突然造訪，導致了一個具有欺騙性的協議。
- 重要性：突顯了操控行為和當局未能提供保護的問題。

7. Paul知道按鈕不起作用

- 概述：Paul和其他人花了40分鐘「檢查」一個不起作用的按鈕，這是一種騷擾行為。
- 重要性：這是一個奇怪且恐嚇手段的明確例子。

8. 房東詐騙

- 概述：一次充滿欺詐的會議分析，揭露了多重謊言。
- 重要性：對理解整個過程中的持續不誠實行為至關重要。

9. 新竹的謊言

- 概述：詳細說明了在我遭受攻擊、羞辱、誹謗和恐嚇過程中她丈夫所講述的全部明目張膽的謊言。
- 重要性：提供了欺騙行為的具體證據。

關鍵文件

1. 所有電子郵件和簡訊

- 內容：我與房東之間所有通信的完整記錄。
- 重要性：對理解問題的全貌和我解決問題的努力至關重要。

2. Vanessa的努力

- 內容：Vanessa與房東通信的證據。
- 重要性：展示了面對困難的堅持和挑戰。

3. 租賃協議

- 內容：租賃協議，特別是滾動金屬門條款的重點。
- 重要性：了解企圖利用協議的行為以及我防止這種情況發生的努力。

其他內容

此USB還包括其他各種影片和文件，請隨意查閱。日期和標題可以幫助您探索更廣泛的背景和額外的證據。

YouTube影片

為了提供更多背景信息，部分影片已上傳至YouTube並提供多語字幕。請訪問 iLearn.tw/landlord 觀看這些影片。

結論

本指南概述了此USB中的關鍵內容，旨在記錄我所面臨的廣泛法律和個人挑戰。感謝您仔細審閱這些材料，它們是了解此情況全貌的重要組成部分。