

LEHMAN, LEE & XU



雷曼律师事务所

PRESS RELEASE

LEHMAN, LEE & XU FIGHT TO SAVE WOMAN FROM DEATH PENALTY IN FINAL APPEAL

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On November 30, 2008, Janice Bronwyn Linden, a South African resident, was found to be in possession of approximately three kilograms of methamphetamine after arriving at Guangzhou Baiyun International Airport in the People's Republic of China from Dubai. Ms. Linden was subsequently convicted of drug smuggling and sentenced to death. The Supreme Court is reviewing the death penalty now.

Ms. Linden has now enlisted the services of the law office of Lehman, Lee & Xu. Lehman, Lee & Xu has prepared the pleading for Ms. Linden during the death penalty review procedure. The first argument proffered by the Lehman attorneys is that the case lacks sufficient evidence. The lower court judge asserted that Ms. Linden had a subjective intention of drug smuggling. "This subjective intent does not satisfy the requisite burden of proof and a sentence of death would be contrary to the basic principles of justice," said Hao Junbo, Attorney for Lehman, Lee & Xu.

The second argument presented by Lehman, Lee & Xu is that in light of the circumstances punishment by death is excessive. Lawyers from Lehman argue that the crime alleged was an attempted crime, not an accomplished crime. "Ms. Linden was discovered during the customs inspection and had not yet passed through customs. It was an attempted crime, not an accomplished crime. Therefore, a sentence of death is too heavy," commented Hao Junbo.

Although China's legal system is based on civil law rather than case law, associates from Lehman have proffered an additional argument that Ms. Linden's case is similar to a 2009 case involving a South African woman who was discovered to be smuggling heroin into China. The woman in the 2009 case was initially sentenced to death. However, the sentence was overturned by Changsha Intermediate People's Court. Lehman's associates have argued that this similar case can be used as reference to prove that a death penalty for Ms. Linden is excessive.

Lehman, Lee & Xu is a prominent Chinese full-service law firm with offices in Beijing, Shanghai, Shenzhen, Hong Kong, Macau and Mongolia. The firm has been recognized as one of the top law firms



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