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IN THE SUPERIOR COURT  
OF THE  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

COMMONWEALTH OF THE  
NORTHERN MARIANA ISLANDS,  
  
Plaintiff,  
  
vs.  
  
HUA ZHEN CHEN,  
  
Defendant.

Criminal Case No:01-0263A  
Consolidated with Criminal  
Case No: 01-0284B

**ORDER DENYING  
DEFENDANT'S MOTION FOR  
BAIL MODIFICATION**

**I. PROCEDURAL BACKGROUND**

This matter came before the Court on July 13, 2001 at 3:30 p.m. in courtroom 223 A on Defendant's Motion for Bail Modification. Assistant Attorney General Steve Wadsworth, Esq., appeared on behalf of the Government. David G. Banes, Esq., appeared on behalf of Defendant HUA ZHEN CHEN (hereinafter CHEN). The Court, having heard the arguments of counsel and being fully informed of the proffered arguments now renders its written decision.

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**FOR PUBLICATION**

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**II. ISSUE PRESENTED FOR REVIEW**

The issue presented before this Court is whether under Rule 46 (a) (2) of the Com. R. Crim. P., the previously set condition of release (5,000 U.S.D. cash bail) for Defendant CHEN should be modified.

**III. FACTUAL ANALYSIS**

The Court must consider the following factors when determining the conditions of pre-trial release: (1) the nature and circumstances of the offense charged, the weight of the evidence against the accused, the accused’s family ties, employment, financial resources, character and mental condition, the length of his/her residence in the community, his/her record of convictions and his/her record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings. Com. R. Crim. P. 46 (a) (2).

Of the above factors, the potential of flight to avoid prosecution weighed most heavily in favor of denying the request for bail modification. Defendant CHEN was ordered on June 1, 2001 to stay away from all seaports and airports. In violation of this order, CHEN was apprehended on a small boat apparently making its way toward Guam. This demonstrates to the Court that the potential flight risk of CHEN is great for future appearances because CHEN has already violated an existing court order.

Therefore, CHEN’S previous actions do not provide the Court with the reasonable assurances needed that CHEN will appear before the Court at her scheduled appearance date.

**V. CONCLUSION**

For the foregoing reasons, Defendant CHEN’S Motion for Bail Modification is **DENIED.**

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1 So ORDERED this 16<sup>th</sup> day of July 2001.

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/s/  
DAVID A. WISEMAN, Associate Judge

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28 Order Denying CHEN'S Motion for Bail Modification