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For Publication

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

**COMMONWEALTH OF THE NORTHERN  
MARIANA ISLANDS,**  
  
Plaintiff,  
  
v.  
**ZAI BIN FENG,**  
  
Defendant.

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**Criminal Case No. 03-0035**

**JUDGMENT OF ACQUITTAL**

THIS MATTER was set for bench trial on November 5, 2003, and concluded on November 6, 2003. The Government was represented by Assistant Attorney General Joseph Camacho. The Defendant appeared with counsel, Mitchell J. Ahnstedt. After carefully considering the evidence presented and the arguments of counsel, the Court must find the Defendant **Not Guilty** of the charge of **Assault and Battery**, in violation of 6 CMC §1202(a), as charged in Counts I and III of the Information and **Not Guilty** of the charge of **Disturbing the Peace** in violation of 6 CMC § 3101(a) as charged in Courts II and IV of the information.

The charges stem from two separate incidents in which the Defendant is alleged to have violently attacked Ms. Yu Miao, his girlfriend and the mother of his child. Ms. Yu Miao’s injuries are consistent with such an attack, but Ms. Yu Miao testified during the trial that her injuries were the result of an accidental fall. This is, on its face, a reasonable, non-criminal explanation for the alleged victim’s injuries. Therefore, to meet its burden of proving guilt beyond a reasonable doubt the Government needed to prove that an accidental fall could not reasonably have been the cause of Ms. Yu Miao’s injuries. (An important part of proving guilt beyond a reasonable doubt is

1 disproving reasonable alternate theories of the crime). Unfortunately, the Government did not  
2 introduce any expert medical testimony to contradict the alleged victim's claim of an accidental fall.  
3 Instead, the Government offered only the testimony of the investigating officer, who relayed  
4 (admissible) hearsay statements allegedly made by the victim shortly after she was injured, in which  
5 she blamed the Defendant for her injuries. While the Court found the officer's trial testimony more  
6 credible than the alleged victim's trial testimony, the alternate explanation of accidental fall raises  
7 reasonable doubt as to the Defendant's guilt. Because the Government has not proved its case  
8 beyond a reasonable doubt, the Court has no choice but to acquit the Defendant on all charges.

9 SO ORDERED this 7th day of November 2003.

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13 /s/  
JUAN T. LIZAMA, Associate Judge