

1 **FOR PUBLICATION**

2
3 **IN THE SUPERIOR COURT**

4 **OF THE**

5 **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

6
7 COMMONWEALTH OF THE)
NORTHERN MARIANA ISLANDS,)

CRIMINAL CASE NO. 02-0217T

8 Plaintiff,)

9 vs.)

ORDER

10 JONG HUN LEE,)

11 Defendant.)

12 _____)
13
14 **THIS MATTER** came before the court on May 10, 2006 at 10:00 a.m. pursuant to the
15 Government’s Motion for a Bail Forfeiture hearing in Courtroom 223A. The Government was
16 represented by Assistant Attorney General Rebecca Warfield. Defendant, Jong Hun Lee, failed to
17 appear and was represented by G. Anthony Long, Esq..

18 Pursuant to Com. R. Crim. P. 46(e)(1) a declaration of forfeiture is mandatory upon a breach of
19 any of the conditions of pretrial release. The pretrial release bail order was issued on November 9, 2002
20 wherein defendant was released on a \$50,000.00 property bond. One of the conditions was to return
21 to court whenever required to do so. Subsequent to Defendant’s conviction and during his stay pending
22 appeal, Defendant made several requests for leave to travel to Korea for medical treatment.

23 The Court granted Defendant’s requests subject to certain conditions imposed by the Court. One
24 condition was that Defendant was to provide the court his address and contact number while in Korea.
25 Defendant failed to meet this condition by failing to relay his contact information to the Court on several
26 occasions. Another condition was that the defendant sign a waiver to opposing any extradition if
27 necessary, and defendant, did in fact sign, a waiver of extradition proceedings which is in the court file.

1 In addition, the pretrial release order required defendant to keep all appointments with his
2 attorney. However, according to Defendant's own attorney, Defendant made no contact with his
3 attorney despite several attempts by defendant's attorney to contact him from the date of Defendant's
4 latest release through the present.¹

5 Based on the foregoing, the court finds by clear and convincing evidence that the defendant has
6 violated the terms and conditions of his bond and the forfeiture of said bond must be forfeited.

7 **IT IS ORDERED** that the property bond posted as security in this matter in the sum of
8 \$50,000.00 is hereby forfeited pursuant to Com. R. Crim. P. 46(e)(1).

9 **IT IS FURTHER ORDERED** that the court has no reason to exercise its discretion to set aside
10 the forfeiture pursuant to the Com. R. Crim. P. 46(e)(2).

11 **IT IS FURTHER ORDERED** that a separate Judgment of this court shall issue against the
12 property forfeited herein.

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14 **SO ORDERED** this 30th day of May, 2006.

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16 /s/ _____
17 DAVID A. WISEMAN, Associate Judge
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26 ¹Defendant's attorney is on record as having admitted that there has been no contact between he and Defendant since
27 Defendant's latest release. The Court finds that such admissions are sufficient to establish facts that Defendant failed to
28 maintain contact with his attorney in accord with the Court's instruction.