



## Supreme Court Commonwealth of the Northern Mariana Islands

Guma' Hustisia · Iimwal Aweewe · House of Justice

P.O. Box 502165  
Saipan MP 96950  
T: (670) 236-9805  
F: (670) 236-9702

**JIM STOWELL**  
PUBLIC INFORMATION OFFICER

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### PRESS RELEASE

#### Supreme Court Affirms Conviction, But Sends Sentence Back to Trial Court

The Commonwealth Supreme Court affirmed Fu Zhu Lin's conviction for illegal possession of a controlled substance, but vacated the sentence, and returned the case to the Superior Court for re-sentencing.

The case started when police stopped Lin at a DUI checkpoint because Lin's moped did not have current license plate registration stickers. Following the stop, police arrested Lin for not having a driver's license. As part of the arrest, police searched Lin. The search uncovered a small amount of methamphetamine. Lin was subsequently convicted, denied a presentence investigation and report ("PSI"), and sentenced to the maximum penalty.

On appeal, Lin challenged the stop, the search, and the sentence. Lin claimed the stop was improper because expired registration stickers did not give police reasonable suspicion that Lin violated a law. The Court disagreed because expired registration stickers created a reasonable suspicion that the car's registry was expired, which is a misdemeanor.

Next, Lin claimed the search was improper because the original arrest did not give police authority to take Lin into custody. The Court disagreed because the Commonwealth Code permits police to arrest someone who commits certain traffic violations and lacks appropriate ID.

Finally, Lin claimed the trial court improperly denied Lin a PSI. The Supreme Court agreed because trial courts must provide an adequate explanation before declining to order a PSI. Therefore, Lin was entitled to resentencing following the completion of a PSI.

The Supreme Court's full opinion is *Commonwealth v. Fu Zhu Lin*, 2014 MP 6, and can be found at <http://www.cnmilaw.org/supreme14.html> .

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For further information, contact me at 236-9805.

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