

FILED
DATE: 7/15 TIME: 9:30 pm
By: *AF*
CLERK, FSM SUPREME COURT
POHNPEI
TRIAL DIVISION

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**IN THE SUPREME COURT OF THE
FEDERATED STATES OF MICRONESIA
TRIAL DIVISION - POHNPEI STATE**

FEDERATED STATES OF MICRONESIA,

Plaintiff,

v.

NGUYEN TAI

Defendant.

CRIMINAL CASE NO:
NO.: 2014-504

ORDER

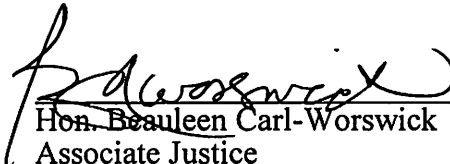
On December 23, 2014, this court held an initial appearance for the defendant Nguyen Tai. Following that hearing, by court Order of December 29, 2014, the defendant was released from custody on his own personal recognizance pending trial. On December 29, 2014, Assistant Attorney General Pole Atanraoi-Reim (Pole) of the Federated States of Micronesia (FSM), Department of Justice (Government), filed a Plaintiff's Motion to Modify Court Order.

In that motion the Government presented new information suggesting that the defendant is a flight risk, requested that the court to modify its previous Order, and to confine the defendant in prison pending trial. The Government represents that on December 19, 2014, the Government filed criminal charges in four similarly situated illegal, unregulated, and unreported (IUU) fishing vessel cases in the FSM Supreme Court Yap Trial Division. Those vessels were impounded at the Yap State dock and placed under the supervision of the Chief of Police. The vessels had their GPS's removed and it was believed that they were not a flight risk at that time. On the night of December 24, 2014, at 9:30PM,

1 two of these vessels escaped from the custody of the Government. One of these vessels
2 was stranded on the reef and subsequently returned to custody, but the other escaped with
3 the captain and 23 crew members who are still at large. The Government fears these events
4 could be replicated in Pohnpei due to its similar nature as an IUU fishing vessel case.

5 THEREFORE, the court schedules a modification hearing set for Wednesday,
6 January 14, 2015 at 10:30 AM in the FSM Supreme Court, Palikir. Immediately thereafter
7 the court will hold a scheduling conference for the completion of discovery, pretrial
8 motions, potential plea and trial dates. If the parties agree to and file a stipulated pretrial
9 schedule prior to this date, the scheduling conference will be vacated.

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11 It is so ORDERED the 6th day of January, 2015.

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13 
14 Hon. Beaulen Carl-Worswick
15 Associate Justice
16 FSM Supreme Court

17 ENTERED this 7th day of January, 2015.

18 
19 Chief Clerk of Court