

**FILED**

MAR 02 2021  
1:15 pm

PALAU SUPREME COURT  
CLERK

**IN THE  
SUPREME COURT OF THE REPUBLIC OF PALAU  
TRIAL DIVISION**

CRIMINAL CASE NO. 20-096

REPUBLIC OF PALAU,

Plaintiff,

v.

BENJAMIN ISKAWA, YANXIANG ZU aka  
ALICE, CONGYING LIU and CHANGHONG  
SUN,

Defendants.

**JUDGMENT AND SENTENCE ON  
GUILTY PLEA**

Counsel for Plaintiff: A. Cripps  
Counsel for Defendant Zu: L. Sakuma

This matter is before the Court for a plea hearing. Defendant, a non-citizen, was charged by Information with one count each of Violation of Foreign Investment Act, Count 12, a violation of 28 PNC § 103, a misdemeanor punishable by a maximum term of incarceration of one year, a civil penalty of at least \$1,000 for a first offense, and may be subject to a civil penalty not to exceed \$25,000 as determined by the Foreign Investment Board; Promoting Prostitution in the Second Degree, Count 13, a violation of 17 PNC § 4804, a class B felony punishable by up to ten (10) years imprisonment and \$25,000 fines; Prostitution, Count 14, a violation of 17 PNC § 4801(a), a misdemeanor punishable by a maximum term of incarceration of one year and \$1,000 fines; and Working Without A Permit, Count 15, a violation of 13 PNC §§ 1048, 1049, and 1067, for working

for Jia Ren Massage Parlor without a valid permit. This is a misdemeanor punishable by not more than \$50 dollars or five (5) days imprisonment.

The Defendant elected to plead guilty to Violation of Foreign Investment Act, Count 12, a violation of 28 PNC § 103, and Promoting Prostitution in the Second Degree, Count 13, a violation of 17 PNC § 4804. In exchange, the Republic agreed to dismiss the remaining counts of the Information. The plea was made pursuant to Rule 11 of the ROP Rules of Criminal Procedure through a written plea agreement filed on November 25, 2020.

After questioning Defendant and counsel as well as taking the facts set forth in the affidavit of probable cause in support of the Information, the Court finds that the plea was made knowingly, intelligently, and voluntarily, and that there was a factual basis for the plea: Between August 1, 2019 and June 14, 2020, in Koror, Palau, Defendant, worked as an owner or part-owner of the Jia Ren Massage Parlor on the third floor of Fuji Restaurant, directly or indirectly as an investor , without first obtaining approval for such business enterprise as required under 28 PNC § 103. Between August 1, 2019 and June 14, 2020, Defendant, did knowingly advance or profit by prostitution when she aided or caused Congying Liu to commit or engage in prostitution or solicit patrons, including Norman Bintorio.

The Court accepts Defendant's plea of **GUILTY** to one count of Violation of Foreign Investment Act in violation of 28 PNC § 103 Promoting Prostitution in the Second Degree in violation of 17 PNC § 4804. The remaining counts against Defendant are dismissed.

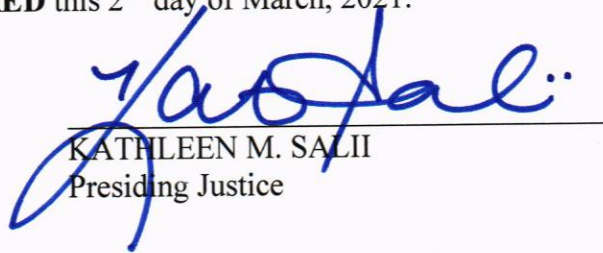
The Court accepts the terms of the plea agreement and sentences Defendant in accordance therewith to Two (2) Years of supervised probation pursuant to 17 PNC §601, et seq. subject to the following conditions:

1. Serve Thirty (30) days imprisonment, suspended so long as Defendant complies with the conditions imposed by the Probation Office. Defendant may request early termination of her probation if she successfully completes one half of her probationary term upon completion of payment of all fines and penalties and all other conditions of probation, which the Republic will not object and neither will the Republic seek deportation under the circumstances as stated on the not oppose and neither will the Republic seek deportation based on the circumstances of the case as stated on the record: Defendant, a non-citizen, is married to a Palauan citizen who is currently incarcerated in the Philippines;
2. Payment of \$500 fine. The \$200 cash bail posted on June 16, 2020 is forfeited and applied to the fine, with the balance to be paid within the first year of probation;
3. Payment of a \$1,000 civil penalty to be paid within the first year of probation;
4. Not commit another crime or engage in criminal conduct in the Republic of Palau or any jurisdiction that would constitute a crime under the law of the Republic of Palau during the term of probation;
5. Report to a Probation Officer as directed by this Court or the Probation officer;
6. Remain within the jurisdiction of the Court, unless granted permission to leave by the Court or a Probation Officer;
7. Notify a Probation Officer prior to any change in address or employment;
8. Notify a Probation Officer promptly if arrested or questioned by a law enforcement officer;
9. Permit a Probation Officer to visit Defendant at home or elsewhere as may be specified by the Court; and

10. Obey all laws of the Republic and orders of this Court, which include the directives of its Probation Office.

Failure of Defendant to comply with any of the above terms and conditions may be grounds for revocation of probation, and part or all of the original sentence may be imposed.

**SO ORDERED** this 2<sup>nd</sup> day of March, 2021.



A handwritten signature in blue ink, appearing to read 'Kathleen M. Salii', is written over a horizontal line. The signature is stylized and cursive.

KATHLEEN M. SALII  
Presiding Justice