

ONTARIO  
SUPERIOR COURT OF JUSTICE  
(CENTRAL WEST REGION)  
(AT BRAMPTON)

BETWEEN:

HER MAJESTY THE QUEEN

AND

MIN CHEN

AGREED STATEMENT OF FACTS

A. Overview

1. Sometime in the early morning hours of Monday, October 20, 2003, the Defendant Min Chen unlawfully entered the family home of Wei Min (Raymond) Zhang and Wen (Sherry) Xu located in Toronto and abducted their only child, 9 year old Dong Yue (Cecilia) Zhang. On March 27, 2004, a citizen found the decomposing body of Cecilia Zhang in a wooded area in Mississauga. On July 21, 2004 police arrested the Defendant Min Chen and charged him with the murder of Cecilia Zhang. The following are the facts and circumstances surrounding the abduction and death of Cecilia Zhang and the liability of the Defendant Min Chen for second degree murder.

B. Background

2. The victim, Dong Yue (Cecilia) Zhang was a 9 year old girl, the only child of Wei Min (Raymond) Zhang and Wen (Sherry) Xu, who lived with her family at 33 Whitehorn Crescent, Toronto.

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3. At the time of her death, Cecilia was a Grade 4 student at Seneca Hill Public School, which is located near the family home. Her teachers and parents describe her as a happy, intelligent and well adjusted child. She was small in stature, measuring approximately 122 cm (49 inches) tall and weighing approximately 36 kg (80 pounds). She normally walked to and from school in the company of an adult. She was not allowed to play alone in the front yard of her home.

4. Raymond Zhang was employed as a computer programmer. Sherry Xu taught English as a second language and computer courses to Chinese visa students. At the relevant time, she was in the process of establishing an immigration consulting business.

5. Cecilia's parents were totally shocked and surprised by their daughter's disappearance. Her abduction was totally unexpected. They had done absolutely nothing to cause their family to be targeted for this act. They neither foresaw it nor could they have prevented it. They are completely innocent of any involvement in their daughter's disappearance and death and have been devastated by this crime.

**C. 33 Whitehorn Crescent**

6. The home at 33 Whitehorn Crescent is a detached dwelling located in a residential area near Highway 404 and Finch Avenue East in Toronto. It is in close proximity to the Seneca College campus located at Finch Avenue East and Don Mills Road,

7. The house consists of two levels in the basement and three levels above grade. The main entrance is located on Whitehorn Crescent and leads to the main floor. A side door on the east side of the building served as an alternate place of entry that was usually used by all occupants of the house. Access could also be gained through a door leading into an enclosed rear patio and then through another door into a lower-level den. There is also a sliding door on the west side of the building leading to a sun room, which is always locked and never used.

8. At the relevant time, the family rented rooms to Chinese visa students. These rooms were located in the basement area. Cecilia and her parents resided on the main, second and third floors of the house.

9. The main floor contained the living room, dining room and kitchen. Cecilia's parents maintained a master bedroom and TV room on the third floor. Cecilia occupied one of the three bedrooms located on the second floor. From time to time, the family rented the other bedrooms on the second floor to female Chinese students.

10. At the time of her disappearance, Cecilia occupied the east bedroom at the front of the house. This bedroom was previously occupied for about 18 months by a female Chinese visa student, who was an acquaintance of the Defendant. While this student resided in the home, she received several visits from the Defendant, who was introduced to Sherry Xu and Cecilia Zhang and who was thereby known to them. When this student moved out of the Zhang home six months before Cecilia's disappearance, Cecilia moved into this bedroom. The police investigation has confirmed that this female Chinese student had nothing whatever to do with the disappearance and death of Cecilia Zhang and that she is completely innocent of any wrongdoing.

11. The adjacent west bedroom at the front of the house was occupied by Hao Min (Kitty) Wu, who originally came to the Zhang residence as a student but, more recently was a close friend of the family. The police have also determined that she had nothing whatever to do with Cecilia's disappearance and death.

12. For a time up to six months before her disappearance, Cecilia occupied the third second-floor bedroom located at the back of the house at the top of the stairs leading from the main floor. At the time of Cecilia's disappearance, Sherry XU's father and Cecilia's grandfather, Shao Guang XU, was visiting from China and was staying in this bedroom.

13. The basement area was divided into separate rooms, which were rented to four Chinese students, who were studying in Canada on student visas. The

students' quarters contained a separate kitchen and bathroom. The students could also access the bathroom off the hallway leading from the east side door that was used by the students to gain entry to the home.

14. The students entered and exited the house through the east side door, which was never locked. They did not have access to the main floor areas unless invited by the family. The two areas were divided by a locked interior door located in the hallway leading from the east side door. The house was equipped with an alarm system, which was never used.

**D. October 19 and 20, 2003**

15. On Sunday, October 19 2003, Cecilia's parents and grandfather, Raymond Zhang, Sherry Xu, and Shao Guang Xu left the residence in the morning to go fishing, leaving Cecilia in the care of Kitty Wu. By all accounts, the day was uneventful. The only other person Cecilia had contact with that day was one of the student tenants, who exchanged greetings with Cecilia and Kitty WU when he went out for a walk.

16. The parents and grandfather returned home at approximately 8:00 p.m., after which Kitty Wu left the house to spend the evening with friends. Cecilia went to bed at approximately 10:00 p.m. The rest of the family retired at about 11:30 p.m. Kitty Wu returned to the house at about 11:40 p.m. and retired to her own room.

17. By habit, Cecilia slept naked. A small night light remained on in her room throughout the night.

18. According to the grandfather, he heard the sound of someone walking across the carpet in the hallway outside his room sometime during the early morning hours of October 20, 2003. He did not get up to investigate the noise.

19. According to Kitty Wu, when she arrived home she saw nothing unusual. Sometime during the night, she heard a tapping noise that appeared to her to be coming through the wall that separates her room from that of Cecilia. She had

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heard a similar noise on other occasions coming from Cecilia's room, and thought it was her hand tapping on the wall while she slept. Kitty Wu did not get up to investigate the source of the noise.

20. One of the female students in the basement awoke early in the morning because she felt cold. She checked the hallway and saw that the side entrance door was open. Her boyfriend, who was with her, confirmed that the door was closed but not locked the night before when they retired.

21. At 6:58 a.m., Cecilia's mother Sherry Xu was wakened by her cellular telephone ringing. According to Sherry Xu, she publishes the cellular telephone number in her ads for room rentals. She answered the call, but no-one spoke. She heard only a female voice in the background speaking in a language or dialect she did not understand. Sherry Xu attributed the call to a prospective tenant, as she has received similar calls in the past. Police later determined that this call was made from a pay telephone booth near a Tim Horton's store at 2 Intermodal Road, Brampton. This is a busy location with considerable pedestrian traffic at that hour of the morning.

22. Sherry Xu went back to sleep, only to be awakened again by a second cell phone call at 7:48 a.m. The cell phone stopped ringing before she could answer. Police later determined that this second call came from a pay telephone located at the Greenway Country Market, 8175 Winston Churchill Boulevard, Brampton. There is a sign visible from the pay telephone, which indicates that the area is subject to video surveillance. Police later discovered that there was no video surveillance in effect that day.

23. Shortly after the second call, Sherry Xu heard her father calling her from the kitchen. He told her that, when he came down that morning, he found the kitchen window open and the screen bent outwards. A visible shoe print was noted on the kitchen counter. The hall door separating the tenants' quarters from the family quarters was also found unlocked.

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24. At this time, the family discovered that Cecilia was missing from her bedroom. Her family frantically searched the house, but did not find her. Raymond Zhang and Sherry Xu next went to Seneca Hill Public School, thinking Cecilia may have gone to school by herself, but she was not there. School staff advised Cecilia's parents to call the police if Cecilia was still missing once they returned home. On returning home, Cecilia's parents called the police.

25. Prior to and after the police were called, no ransom demand was ever made.

#### **E. Initial Police Investigation**

26. Immediately on being informed that Cecilia was missing, Toronto Police Service commenced a search for Cecilia and an investigation into her disappearance.

27. Police secured the scene for forensic examination. All occupants of the home were interviewed. The area around the house and the wider neighbourhood were searched and canvassed.

28. In the absence of any ransom demand, the police did not discern any motive for Cecilia's disappearance. Using their best judgment based on the limited facts then known, the police issued an "Amber Alert", and launched an extensive public appeal for Cecilia's safe return.

29. Early in the investigation, police investigators at the scene focused their attention on the kitchen window that was found open and was the obvious point of entry. The window is located at the rear of the house, approximately 8 feet above ground level.

30. Based on the fact that the side door was found open, the police concluded that this was the point of exit.

31. The police conducted and video-taped a re-enactment of a forced entry through the kitchen window. The re-enactment demonstrated that, once the



screen was pried away from the frame, the sliding windows could be easily moved to allow a quick entry by an agile person.

32. On closer examination, the Forensic Identification Service officers discovered fingerprints on the edge of the window screen where it had been pulled out of the frame. They also found a fingerprint on the outer surface of the left window, which suggested that the person entering through the window attempted to slide the left window open. A wrap-around palm print, found on the right window and oriented from the outside in, wrapped around the right side of the frame and ended with fingerprints on the inside of the right frame, suggesting that this window was opened to allow entry.

33. These fingerprints are consistent with a person trying to gain entry through the kitchen window from outside by first pulling back the screen, then attempting to slide open the left side window, and being unsuccessful, then sliding open the right side window, pushing it fully open, and pulling himself in, leaving the "wrap around" palm and fingerprints on the edge and inside surface of the window.

34. Police also located a kitchen knife at the fence line near the rear corner of the house, several feet south of the side entrance (away from the street). The FIS officers found a fingerprint on the tip of the blade of this knife, which matched a fingerprint found on the corner beading on the stairway leading from the main floor of the house to the hallway where Cecilia's bedroom was located.

35. Police accessed databanks of known fingerprints but were unable to match those found at the scene to anyone with fingerprints on file at that time.

#### **F. Discovery of Cecilia Zhang's Body**

36. The comprehensive investigation conducted by the Toronto Police Service continued until March 27, 2004, when Cecilia's body was found in Mississauga.

37. On that day, a citizen who resides in the area of Eglinton Avenue West and Mississauga Road was alerted by his dog to an area in a wooded area while they were out walking near his home. He walked into the wooded area to investigate,

and discovered skeletal remains. Police responded and secured the scene. But for this coincidental event, Cecilia's remains could have remained undetected at this secluded location indefinitely.

38. The authorities later identified the remains as those of Cecilia Zhang through dental records and fingerprints.

39. The wooded area where Cecilia's body was found is located to the south of Eglinton Avenue West and to the west side of the Credit River in a narrow ravine that runs from behind the parking lot of the Church of Croatian Martyrs down to the Credit River.

40. Members of the public rarely, if ever, walk in this ravine because of its difficult access, remote location and extensive brush cover. Access to the area can only be gained either by climbing down from the parking lot behind the Church of Croatian Martyrs or climbing up the ravine from the west bank of the Credit River.

41. Police found no evidence of any clothing on or near the body. They also found a shovel several feet from the body. Markings in the dirt near the body suggested that there may have been an attempt to bury the body. The earth in this location is hard-packed and digging a grave would have been difficult and time consuming.

42. The post mortem examination of Cecilia's body failed to determine the cause of her death, in part because of the extent of decomposition of the body. Moreover, there was no evidence of sexual assault, or of any direct trauma to the body other than that caused by wild animals. Toxicology results ruled out the presence of any drugs, including any noxious or stupefying drugs or substances.

43. Based on the extent of decomposition, it appears that Cecilia's body was at this location for several months before being found. Despite the careful and extensive examinations conducted by the attending expert forensic pathologists

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and a forensic anthropologist, the police are unable to determine how, when or where Cecilia Zhang died.

**G. Identification of the Defendant as the Perpetrator of the Entry**

44. Prior to the discovery of Cecilia Zhang's body, members of the Toronto Police Service pursued an extensive and comprehensive investigation into her disappearance, which included interviewing numerous persons from whom police received fingerprints and DNA samples and a consent to the release of cellular telephone records, in an effort to identify the person who left the fingerprints on the kitchen window.

45. On March 30 2004, following discovery of her body, the Toronto Police Service and the Peel Regional Police Service created a joint Task Force to investigate the disappearance and death of Cecilia Zhang. Members of the Joint Task Force continued to the interview process, collecting fingerprint and DNA samples for purposes of elimination.

46. During the course of the investigation, police contacted the female visa student who had previously occupied Cecilia's bedroom. She advised the police that, while she lived in the house, she received visits from the Defendant and provided his cellular telephone number to them.

47. Using the cellular telephone number, police determined that the Defendant was residing at 1 Reidmount Avenue, Apartment 1103, Toronto.

48. On April 27, 2004, police met with the Defendant at his residence. He provided a statement, as well as impressions of his fingerprints, an oral swab, and a written consent for the release his cellular telephone records.

49. The following is a summary of the personal information provided to police by the Defendant in his statement, which police subsequently confirmed:

- He was born in Shanghai China on January 30, 1983 and was 20 years old when Cecilia went missing.

- He came to Canada about two-and-one-half years before the interview on a student visa to study at Seneca College where he met the female student who previously occupied Cecilia's bedroom. He and the female student were merely friends.
- He has no family in Canada.
- During the time his female friend resided at 33 Whitehorn Crescent as a tenant, he attended on several occasions.
- He knew that the landlords were Sherry and Raymond Zhang. They had a daughter Cecilia.
- Before Cecilia went missing, he did not know Raymond Zhang. He was not a friend of the Zhang family and knew them only by name. He saw Cecilia on two occasions for brief moments during his visits to his friend.
- His friend moved out of 33 Whitehorn Crescent about one-and-one-half years before the interview (*i.e.* about six months before Cecilia went missing).
- After that he never visited 33 Whitehorn Crescent.

50. When the police met with the Defendant at his residence, he was cooperative and provided the samples and consent without hesitation or complaint. At that stage, the Defendant was merely one of several hundred of persons who had any connection, whether direct or remote, to 33 Whitehorn Crescent. As part of their investigation, the police were attempting to contact as many of these persons as possible as part of the time consuming process of elimination/identification that was part of their investigation of this matter.

51. The Defendant was not previously known to police and had no record of arrests or criminal convictions in Canada or China. He entered Canada as a visa student. His fingerprints were not on file in Canada as there is currently no requirement that visa students to Canada provide fingerprints as a condition to entry.

52. As part of the elimination process, Detective Paul Black of the Peel Regional Police Forensic Identification Bureau received the Defendant's fingerprints in late May 2004. On June 1, 2004, Detective Black identified eight latent fingerprints and partial palm prints taken from the scene at 33 Whitehorn Crescent as those belonging to the Defendant Min Chen.

53. The fingerprints identified to the Defendant were those collected from the right edge of the outer window screen, the outer surface of the left window, the right edge of the right window wrapping around from the outside to the inner frame, and the inner right edge of the left window. The prints on the window were consistent with the Defendant forcing entry to the kitchen window from the outside.

54. Detective Black also identified the fingerprint on the blade of the knife located in the backyard and on the edge of the wall corner bead on the stairway leading up to the victim's room as being the left thumb print belonging to the Defendant.

#### **H. Investigation and Arrest of the Defendant**

55. The police immediately focused their investigation on the Defendant. They commenced extensive physical and electronic surveillance of the Defendant. On June 4, 2004, police obtained an Authorization to Intercept the Defendant's private communications as well as those of several of his associates. A second Authorization issued June 16, 2003 included several additional parties.

56. As a result of their investigation, police confirmed that the Defendant had come to Canada as a visa student at great expense to his parents, that he was failing in his studies and was worried that he would soon lose his immigration status and would be forced to return to China in shame. Further, he was quickly depleting his financial resources, and was desperate to remain in Canada.

57. Further investigation determined that shortly before the disappearance of Cecilia Zhang, one of the Defendant's associates arranged a marriage of

convenience for himself at a cost of about \$25,000.00 in order to secure permanent residency in Canada. The Defendant was aware of this arrangement and expressed a desire to do the same in order to avoid returning to his parents in China. The Defendant was anxious to raise the necessary funds.

58. The police investigation also determined that prior to the disappearance of Cecilia Zhang and continuing after her body was found, the Defendant was involved in preparation of or actual involvement in unrelated non-violent illegal activities with some of his associates in his continuing effort to raise the necessary funds.

59. At the time Cecilia Zhang went missing, the Defendant was renting a room in an apartment at 1 Reidmount Avenue, Scarborough, which was also occupied by several other tenants. The Defendant moved into this room around September 28, 2003. Previously, the Defendant was residing at an apartment at 5875 Yonge Street, #209, Toronto, which was rented by Fei (Coco) Zhao, a female acquaintance and Li Bin (Robin) Xu, a male friend.

60. A check of Peel Regional Police Service records determined that on September 18 2003, Peel Region police officers investigated the Defendant, Li Bin (Robin) Xu and another associate, Yi Zhang, in Li Bin Xu's vehicle in the area of Eglinton Avenue West at the bridge over the Credit River. This investigation was prompted by a complaint from a citizen that Asian males were illegally fishing in the area. The investigating officer determined that the three men were in the area looking for a place to go fishing in the Credit River, but the fishing tackle in the car did not appear to have been used.

61. Police also confirmed with the Defendant's friends and with the Defendant that he was familiar with the Credit River near the Croatian Park where Cecilia's remains were found. He visited the area with his friends on at least two occasions prior to October 19 and 20, 2003. On one occasion, the Defendant rested with his companions at the north end of the Croatian Park at the base of the ravine

where Cecilia's body was later discovered, a distance of less than 80 metres (250 feet).

62. Police investigated the possible involvement of several of the Defendant's closest associates, who agreed to undergo polygraph examinations in relation to the disappearance and death of Cecilia Zhang. In his conversations with his associates, which were electronically intercepted by police, the Defendant expressed concerns about these tests and the police investigation. The police investigation has determined that none of the Defendant's associates were complicit in the disappearance and death of Cecilia Zhang.

63. In July 2004 the Defendant called Peel Regional Police Service to inquire whether he too would be asked to undergo a polygraph examination. Police used this contact to arrange to meet the Defendant at a public place to discuss the investigation with him.

64. On July 12th 2004, Detective Doug Grozier of Peel Regional Police Service met with the Defendant in a park area near the Defendant's residence. During the course of their conversation, which was cautioned and recorded, Detective Grozier told the Defendant that he was their prime suspect and that they would be arranging for a forensic examination of his car. The police hoped this information would produce an incriminating reaction by the Defendant.

65. Following the conversation with Detective Grozier, police continued physical surveillance of the Defendant. Two days later, on the morning of July 14, 2004, the Defendant attended 14 separate car care premises within the space of about two hours in an effort to replace the trunk liner of his car. The Defendant finally left the liner at a Ziebart Tidy Car location on Warden Avenue, Toronto to be cleaned. He then went to nearby a gas station equipped with vacuum facilities, which he used to clean his trunk.

66. Fearing the imminent loss of evidence, police seized the liner from the Ziebart location. They replaced the liner with a similar one to avoid detection of police action by the Defendant. Forensic examination revealed a stain on the



liner, which had been cleaned with an ammonia-based solvent. However, the examination did not yield any trace evidence linking the line to the victim.

67. On July 21st 2004, police arrested the Defendant without incident in Scarborough. He has been in custody since that date.

## I. Admissions

### (i) Defence

68. The Defendant Min Chen admits that, during the early morning hours of October 20, 2003 he went to the Zhang residence with the intent to kidnap Cecilia Zhang for ransom because of his need for money, his desperate desire to remain in Canada and his plan to arrange a marriage of convenience for this purpose.

69. The Defendant asserts that it was never his plan to harm or to cause the death of Cecilia Zhang. He wanted to keep her alive, obtain a sizeable ransom, and return her unharmed to her family. The Defendant did not expect that the police would become involved.

70. The Defendant proceeded with his plan without making any preparations. He arrived at the Zhang residence without any disguise, without any weapon or other means to carry out the kidnapping and or to overcome any resistance and without gloves. He had no plan or pre-determined place to take Cecilia after he left the house, other than to keep her in his car.

71. The Defendant believed that, once he had Cecilia, he thought he could keep her for a short time in the trunk of his car, make his ransom demand and receive payment all within the same day.

72. The Defendant admits that, upon arrival at the Zhang residence, he entered the house through the unlocked side entrance and tried to enter the family part of the house through the side hallway door, which was locked. He proceeded to the student kitchen in the basement, where he obtained a knife, which he used to try

to pry open the locked door, without success. The police later observed scratch marks and what appeared to be paint dust on the door, frame and floor.

73. On failing to gain entry, the Defendant exited the house and walked into the back yard, discarding the knife, with his thumb print on the tip of the blade, in the side garden.

74. The Defendant proceeded to the patio door, which was locked. He then went to the kitchen window, where he climbed up on a nearby pipe, pried out the screen, opened the window and entered the house leaving his fingerprints and palm prints, which were later found by the police.

75. On entering the home through the kitchen window, the Defendant proceeded up the stairs to the second floor to find and take Cecilia from the house. He believed that she still occupied the back bedroom at the top of the stairs, where Cecilia's grandfather was then sleeping.

76. After reaching the second floor, the Defendant saw a night light coming from the east bedroom at the front of the house. He proceeded down the hallway towards this bedroom, to see whether Cecilia might be there.

77. As he proceeded towards the front bedroom, Cecilia awoke, got out of bed and entered the hallway wrapped in a purple towel. The Defendant believed she was about to scream and ran towards her, grabbing her around her head and neck with his hand over her mouth to prevent her from screaming. She struggled and offered considerably more resistance than he expected.

78. Rather than release Cecilia, who would have alarmed the other occupants, the Defendant kept a tight hold around her neck and over her mouth and face and proceeded to carry her out of the house. He used the purple towel to cover her head. He needed both hands to control her as he carried her out of the house through the side door. Cecilia's mother later noted that a purple towel was missing from Cecilia's bedroom.

79. Cecilia continued to struggle as the Defendant carried her to his car, which was parked a short distance away. By the time the Defendant reached the car, Cecilia had stopped struggling and appeared unconscious. He opened the trunk and put her in. She did not move. He drove away from the scene, but stopped some distance away to check on Cecilia. She did not move, was not breathing and did not respond to his efforts to waken her.

80. The Defendant believed that Cecilia was dead. Rather than call for assistance, and face the consequences, the Defendant decided to hide Cecilia's body by placing it in the ravine behind the Church of Croatian Martyrs in Mississauga, where it was later found. He intended to bury her body at this location, but quickly realized that the ground was too firm to use the shovel that he found nearby for that purpose.

81. The Defendant denies making any calls to Sherry Xu's cellular phone on the morning of the kidnapping or at any other time. The prosecution concedes that it cannot directly attribute these calls to the Defendant.

82. The Defendant admits that, by placing his arm around Cecilia's neck and holding his hand over her mouth and nose, he caused her bodily harm by smothering and choking her. In the circumstances, he admits that he knew that by so acting he was likely to cause her death but was reckless whether she died by compromising her breathing until he was safely away from the house. As such, the defendant admits that he committed second degree murder on the person of Cecilia Zhang.

83. The Defendant maintains that he had no accomplices in this crime. The prosecution accepts this position. Despite an extremely intensive investigation, which included extensive wiretapping and resort to police agents, the police did not find any evidence whatsoever to suggest that the Defendant acted with any accomplices.

(ii) Position of the Prosecution

84. The prosecution does not completely accept the version of events surrounding the death of Cecilia Zhang as admitted to or asserted by the Defendant, but agrees that because there is no evidence as to the physical cause of death of Cecilia Zhang, nor evidence as to precisely how, when and where Cecilia Zhang died, it cannot disprove the Defendant's version of the events beyond a reasonable doubt, as the law requires.

85. The prosecution acknowledges that it has a duty to the public explain why it accepts the Defendant's guilty plea to second degree murder, rather than proceed to trial on the charge of first degree murder in a case where a child has been killed after being kidnapped from her home.

86. The decision of the experienced prosecution team to accept the guilty plea to second degree murder is with the total agreement and consent of the investigators and Cecilia's parents.

87. The prosecution points to the following facts and circumstances as the bases, in part, for its decision:

- On his arrest, the Defendant exercised his constitutional right to remain silent, notwithstanding the efforts of some of the best police interrogators in Ontario who received the assistance of experts in interrogation from British Columbia;
- By pleading guilty and making the admissions contained herein, the Defendant has given up his right to a trial in which, notwithstanding his involvement in the kidnapping, might have resulted in a conviction for manslaughter rather than murder;
- To prove murder, the prosecution would be obliged to prove beyond a reasonable doubt that the Defendant either meant to kill the victim or meant to cause her bodily harm that he knew was likely to cause her death

and was reckless whether death ensued. If either of these intents could not be proven, the verdict would be manslaughter;

- Without evidence as to how, when and where Cecilia Zhang died, and in the absence of any forensic or DNA evidence linking the Defendant to the death of the victim, the prosecution faced a real prospect of achieving only a conviction for manslaughter;
- Without the Defendant's guilty plea and admissions, the prosecution would be obliged to proceed through a long and difficult trial, in which the outcome would be uncertain;
- A long and difficult trial would have a significant and long-lasting negative impact on Cecilia's parents, who have suffered and continue to suffer from her disappearance and death and who are now emotionally fragile as a result of this ordeal;
- Cecilia's parents have asked the prosecution team to avoid a trial if possible;
- The Defendant's guilty plea and admissions provide certainty as to what happened to Cecilia Zhang, who was responsible for her death, and the fact that that she was murdered by the Defendant.
- The Defendant's guilty plea and admissions avoid the prospect of a lengthy trial, appeals in the event of a conviction and the real prospect of a re-trial if mistakes occurred at the Defendant's trial. The certainty in the outcome of these proceedings allows closure for the Zhang family and for the community;
- The Defendant's guilty plea and admissions are a public recognition by him of his responsibility for this crime and his remorse;



- The Defendant's guilty plea and admissions will result in the Defendant being sentenced to life imprisonment in a case where he might have avoided such a sentence if the verdict was manslaughter;
- The Defendant's guilty plea and admissions may require him to serve a lengthy sentence of imprisonment, to be determined by the Court, before the National Parole Board determines whether he may be paroled;—
- Upon achieving parole, the Defendant may be deported to China where he faces arrest and trial under Chinese law for this crime. The Defendant's guilty plea and admissions may therefore result in the Defendant's further imprisonment under Chinese law following his deportation from Canada.

88. For these reasons, and after very careful consideration, the prosecution accepts the Defendant's guilty plea to second degree murder and his admissions in respect thereof.

DATED at Brampton, Ontario this 9<sup>th</sup> day of May, 2006.

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Mark Saltmarsh, Crown Counsel

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Stephen Sherriff, Crown Counsel

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John M. Rosen  
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