

SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

State Of Washington)	
Plaintiff(s))	CASE NO. <u>2008-01-02444-1</u>
)	
vs.)	ORDER DENYING DEFENDANT'S
)	MOTION FOR NEW TRIAL BASED ON
Tyler William Gassman)	NEWLY DISCOVERED EVIDENCE
Defendant(s))	
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This matter having come before the Court on the motion of Defendant Tyler W. Gassman for new trial based on newly discovered evidence, the State of Washington represented by Mr. Eugene Cruz, Deputy Prosecuting Attorney, the Defendant Mr. Tyler W. Gassman, represented by Mr. David Partovi of Partovi Law Office, P.S., the Court having reviewed the files and records herein, having in mind jury verdict of February 17, 2009, finding Mr. Gassman guilty of one count of first degree robbery, two counts of first degree assault and two counts of drive by shooting, having in mind Defendant's memorandum in support of motion for new trial based on newly discovered evidence, as well as the transcript of Mr. Kongchunji's testimony in Superior Court Department 4 on April 21, 2009, as well as the correspondence of Mr. Kongchunji to Mr. Duane Statler and having reviewed the State's responsive brief to motion for new trial, having in mind counsel's argument at the time of hearing, and otherwise being fully

ORDER . . .

advised, NOW ORDERS AS FOLLOWS:

1. Defendant Tyler W. Gassman's motion for new trial based on newly discovered evidence is forthwith denied.

DATED this 12th day of May, 2009

A handwritten signature in black ink, appearing to read "Michael P. Price", written over a horizontal line.

Michael P. Price
Superior Court Judge