

**FILED****JAN 21 2009****THOMAS R. FALLQUIST  
SPOKANE COUNTY CLERK****IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR SPOKANE COUNTY****STATE OF WASHINGTON,****Plaintiff,****vs.****TYLER W. GASSMAN,  
ROBERT E. LARSON,  
ANTHONY M. KONGCHUNJI,  
PAUL E. STATLER,****Defendants.****NO. 08-1-02444-1; 08-1-02445-9;  
08-1-02443-2; 08-1-02442-4****ORDER GRANTING STATE'S  
MOTION TO AMEND  
INFORMATION, CONTINUING  
TRIAL DATE AND IMPOSING  
SANCTIONS**

THIS MATTER CAME ON regularly for trial before the Honorable TARI S. EITZEN the 12<sup>th</sup> day of January, 2009. The State was represented by EUGENE M. CRUZ, Deputy Prosecutor. TYLER GASSMAN was represented by DAVID PARTOVI, ROBERT LARSON was represented by ANNA K. NORDTVEDT, ANTHONY KONGCHUNJI was represented by SENIT LUTGEN, and PAUL STATLER was represented by TIMOTHY S. NOTE.

**FINDINGS**

The day set for trial, the State moved to amend the Information to allege an offense date of April 17 rather than April 15, 2008. The court has reviewed the file and records herein, and has listened to the arguments of counsel. The court finds that the State was aware of its intention to amend the offense date alleged in the original information in October of 2008 but waited until the

ORDER GRANTING MOTION TO AMEND  
INFORMATION, CONTINUING TRIAL  
AND IMPOSING SANCTIONS

**PARTOVI LAW**  
804 W. Boone Avenue  
Spokane, Washington 99201  
(509) 270-2141 DIR  
(509) 747-3175 FAX

day of trial to propose the amendment. The court finds that the State was careless in handling certain aspects of this case and that this carelessness will result in additional work for all four (4) defense attorneys in order for them to be adequately prepared for trial.

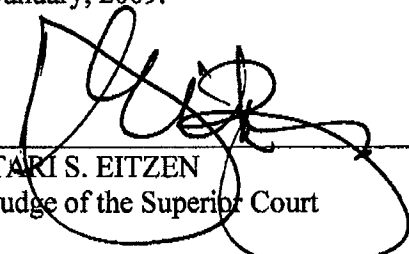
*The court finds that since there is three weeks remaining until speedy trial buffer date, 2/4/09, defense counsel have sufficient time to prepare for trial.*

ORDER  
The State's Motion to Amend the Information is GRANTED. Trial in this case will be

CONTINUED to Monday, February 2, 2009 at 9:30 a.m.

The Spokane County Prosecutor's Office is ordered to pay SANCTIONS in the form of attorney's fees in the amount of Two Thousand Dollars (\$2000.00) directly to each defense attorney's office for a total of Eight Thousand Dollars (\$8000.00). Sanctions shall be paid in full on or before the new trial date of February 2, 2009.

DATED THIS 21 day of January, 2009.

  
TARI S. EITZEN  
Judge of the Superior Court

Approved as to form:

Telephonic Approval on 1/15/09 1:18PM

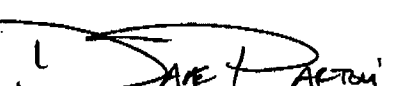
Anna K. Nordtvedt WSBA# 15622  
Attorney for Robert Larson

Eugene M. Cruz WSBA# 27114  
Deputy Prosecuting Attorney

Telephonic Approval on 1/15/09 12:02PM

Senit M. Lutgen WSBA# 33532  
Attorney for Anthony Kongchunji

Timothy S. Note WSBA # 34929  
Attorney for Robert Statler

  
David R. Partovi WSBA# 30611  
Attorney for Tyler Gassman

ORDER GRANTING MOTION TO AMEND  
INFORMATION, CONTINUING TRIAL  
AND IMPOSING SANCTIONS