

OFFICE OF THE RAMSEY COUNTY ATTORNEY
Susan Gaertner, County Attorney



50 West Kellogg Boulevard, Suite 315, St. Paul, MN 55102-1657
Telephone 651-266-3322 Fax 651-266-3015

**Statement by Ramsey County Attorney Susan Gaertner
Regarding the Koua Fong Lee Criminal Vehicular Homicide Case
August 5, 2010**

As you know, Judge Joanne Smith this afternoon ordered a new trial for Koua Fong Lee.

I respect the judge, and I respect her ruling, and I believe it is time to bring this very tragic situation to a close.

Therefore, the Ramsey County Attorney's Office will not appeal Judge Smith's order, and we will not pursue a new trial. We will dismiss the charges against Mr. Lee.

He will not face further prosecution in connection with the very sad events of June 10, 2006, in which two people were killed and three others injured in a horrible collision.

Mr. Lee will be a free man.

My office opposed a new trial for Mr. Lee because we believed the jury that convicted him had reached a fair and just verdict based on the evidence.

I do not regret defending that verdict.

I believe, however, that compelling evidence was produced at Mr. Lee's evidentiary hearing on the issue of ineffective assistance of counsel.

I understand why Judge Smith ruled as she did.

In my view, the criminal justice system has worked as it should in Mr. Lee's post-conviction appeal.

This process reflects the principle that a jury's verdict should not be lightly overturned.

It also gives the defendant rights to due process, including, in this case, the opportunity to present evidence and convince a judge that the conviction should be overturned.

Mr. Lee and his attorneys exercised those rights and prevailed.

I wish Mr. Lee and his family the very best.

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