

STATE OF MAINE

v.

CHAMROEUN PHENG

Submitted on Briefs June 24, 2004

Decided July 8, 2004

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, ALEXANDER,
CALKINS, and LEVY, JJ.

MEMORANDUM OF DECISION

Chamroeun Pheng appeals from the denial of his motion for a new trial by the Superior Court (Cumberland County, *Fritzsche, J.*). Pheng's motion, pursuant to M.R. Crim. P. 33, asserted, as newly discovered evidence, inconsistencies in the testimony of the victim of Pheng's assault when he testified in subsequent trials of co-defendants. Pheng's motion was presented after we affirmed his conviction for aggravated assault, *State v. Pheng*, 2002 ME 40, 791 A.2d 925. In denying Pheng's motion for a new trial, the trial court neither abused its discretion nor committed an error of law. *State v. Cookson*, 2003 ME 136, ¶ 28, 837 A.2d 101, 110.

The entry is:

Judgment affirmed.

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