

**JOHN PRIOR**  
**ATTORNEY AT LAW**  
ISB #5344  
429 SW 5<sup>th</sup> Avenue #110  
Meridian, ID 83642  
(208) 465-9839 Telephone  
Email john@jpriorlaw.com  
Attorney for Defendant

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT**

STATE OF IDAHO,	)	
	)	CASE NO. CR20-22-0755
Plaintiff,	)	
	)	<b>MOTION TO DISMISS</b>
vs.	)	<b>IRCP 12(b)</b>
	)	
CHAD GUY DAYBELL	)	
	)	
Defendant.	)	
	)	

COMES NOW the above name defendant, CHAD GUY DAYBELL by and through his attorney of record, JOHN PRIOR, and moves this Honorable court for an order dismissing the above noted case pursuant to Idaho Rule of Criminal Procedure 12(b).

**GROUND OF MOTION:** Said motion is based upon the lack of sufficient evidence to continue to bind Defendant over upon all four charges as presented to the court at the Preliminary Hearing on August 3 and August 4 of 2020. Further the charges are not supported by the evidence and duplicative as allegations against the Defendant. Further the prosecution has yet to present evidence to support when the alleged acts is supposedly to have taken place and if the Defendant acted in any manner to support those allegations. The prosecution made assertions in

his Complaint and Information that are vague and overly broad. Those assertions violate Defendant's U.S. and Idaho Constitutional rights to be fairly notified and appraised of when, how, and what he is accused of doing. Defendant reserves the right to add additional defenses to this Motion once the State has provided all the discovery they are required to provide to the defense.

Defendant through his counsel moves this Honorable court for an Order dismissing the charges. Defendant's counsel has submitted a request to extend time to hear this Motion and respectfully request that the court set the time for the Motion to Dismiss after the Preliminary Hearing Transcript has been provided to defense counsel and an adequate amount of time is allowed for the submission of a brief in this matter.

DATED this 27<sup>th</sup> day of August 2020.

  
\_\_\_\_\_  
JOHN PRIOR  
Attorney for Defendant

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was delivered to the Fremont County Special Prosecuting Attorney by efile and serve to mcpo.madison.id.us

DATED August 27, 2020

  
\_\_\_\_\_  
JOHN PRIOR  
Attorney for Defendant