

JOHN PRIOR
ATTORNEY AT LAW
ISB #5344
429 SW 5th 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,)	
)	
Plaintiff,)	CASE NO. CR22-20-0755
)	CR20-22-20-0838
)	
vs.)	MOTION TO DISQUALIFY
)	PROSECUTING ATTORNEY
)	
CHAD GUY DAYBELL)	
LOR NORENE VALLOW)	MOTION TO EXTEND TIME ON
)	MOTION TO DISMISS
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 disqualifying and removing the special counsel Robert Wood from this criminal case and that he be directed that he is not to take any further action regarding any matter as it pertains to this case. The court has and is granted the inherent authority to remove an attorney for a variety of reasons. Counsel for the Defendant Chad Guy Daybell moves this court for this Order as it is alleged Mr. Wood has committed prosecutorial misconduct. This misconduct further supports Defendant's Motion to

Extend Time to Dismiss to allow the defense to amend its motion and present additional evidence.

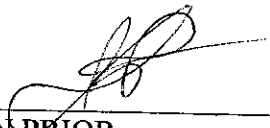
GROUND OF MOTION: Said motion is based upon an audio recording between Mr. Robert Wood and a material witness Summer Shiflet that occurred in October. Defense asserts the following

1. The prosecutors alleged misconduct violated the due process rights to the Defendant's Idaho and U.S. Constitutional right to a fair and impartial trial. The prosecutor engaged in coercive, unduly influential, and intimidating tactics to manipulate a material witness in this case. The audio recording presents these allegations clearly on the tape.
2. The prosecutor in this case violated the Idaho Rules of Professional Conduct as well as the ABA rules by his actions detailed on the audio tape.
3. The prosecutor's alleged misconduct could be construed under the witness tampering and witness intimidation statutes as criminal acts.
4. The prosecutor's alleged misconduct has made him a material witness in this criminal case. Further the defense intends to file additional motions as it relates to this evidence and intends to subpoena the prosecutor as a witness to support these motions.
5. The prosecutor's alleged misconduct has caused the potential for future civil litigation directed at Fremont and Madison counties as well as the prosecutor and any and all other entities involved or associated with this misconduct.

6. The prosecutor's alleged misconduct has included concealing evidence in violation of Brady and the Rule 16 of the Idaho Rules of Criminal Procedure.

Defendant through his counsel moves this Honorable court for an Order disqualifying Robert Wood as prosecutor in this matter and that he be directed that he is to take no further action in this case in any way. That the court grant as a sanction all fees and costs in having to present this motion and all related cost incurred. That defense shall seek additional remedies. That defense be permitted to submit this audio recording as evidence in this hearing to support this motion. Defendant respectfully requests that this hearing be conducted in person and that the proceedings be audio recorded in addition to a transcript.

DATED this 15th day of December 2020.

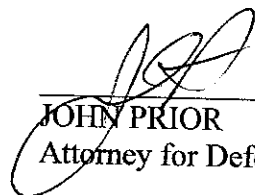


JOHN PRIOR
Attorney for Defendant Chad Guy Daybell

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 email to mcpo.madison.id.us and to Mark Means counsel for Lori Norene Vallow at mlm@means-law.com

DATED December 15, 2020



JOHN PRIOR
Attorney for Defendant Chad Guy Daybell