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Attorney for Defendant

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

THE STATE OF IDAHO,)	CASE NO. CR22-21-1623
)	
Plaintiff,)	
)	
-vs-)	MOTION TO COMPEL
)	
)	
CHAD GUY DAYBELL,)	
)	
Defendant.)	
)	
_____)	

COMES NOW, The Defendant, by and through his attorney, JOHN PRIOR, and hereby pursuant to Idaho Criminal Rule 16(b)(6) moves for an order compelling the State to turn over the two sets of DNA results and accompanying reports and analysis used to prepare reports in order for the defendants expert to conduct a review of the States determination of the DNA evidence. The parties entered into a stipulation regarding testing of the two samples and as of this date the defense has yet to receive and information related to testing or the results. At the present time the defense will not have sufficient time to conduct its own evaluation. The defense


is requesting the court enter an order compelling the State to turn over the evidence for the defense to begin the process of conducting their own evaluation of the evidence.

The determination as to whether the evidence is exculpatory is not for the State to decide. The State through the Criminal Rules is required to turn over any DNA evidence to the defense for the defense to make its own determination. At the present time, even if the State provided the information on the date this Motion is filed, the defense does not possess sufficient time to conduct the necessary evaluation and be prepared for a trial in this matter.

WHEREFORE, Defendant respectfully requests that this Honorable Court enter an order compelling the State to turn this information over to the defense.

NOTICE IS HEREBY GIVEN that on 9th day of February 2023 at the hour of 9:00 am., or as soon thereafter as counsel may be heard, John Prior, attorney for Defendant above named will call up for hearing a hearing for Defendant's Motion to Compel before the Honorable Judge Steven W. Boyce District Judge at the Fremont County Courthouse in St Anthony, ID.

DATED this 25th day of January 2023.

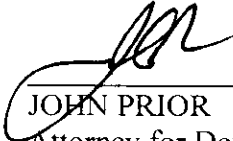


JOHN PRIOR
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was delivered to the
FREMONT COUNTY PROSECUTING ATTORNEY'S OFFICE, by efileing and service to
prosecutor@co.fremont.id.us on this date.

DATED this 25 day of January 2023.



JOHN PRIOR
Attorney for Defendant