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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-                | ) | <b><u>UNDER SEAL</u></b>              |
|                     | ) | <b>MOTION TO OPPOSE USE OF AND</b>    |
|                     | ) | <b>MOTION TO PRESERVE FINGERPRINT</b> |
|                     | ) | <b>SAMPLES</b>                        |
| CHAD GUY DAYBELL,   | ) | <b>MOTION FOR PHOTOGRAPHIC</b>        |
|                     | ) | <b>RECORDING OF SEROLOGY</b>          |
| Defendant.          | ) | <b>SAMPLES AND OTHER VISUAL TESTS</b> |
|                     | ) | <b>MOTION TO REVIEW LAB RECORDS</b>   |
|                     | ) |                                       |

COMES NOW, The Defendant, by and through his attorney, JOHN PRIOR, and hereby respectfully moves this court for an expedited hearing for Defendant Chad Guy Daybell's Motion to Oppose Use and Motion to Preserve Fingerprint Samples. Motion for Photographic Recording of all Serology Samples and Other Visual Test. Motion to Review all lab records, processing procedures, policy procedures and reports of the State Lab or other lab performing testing related to samples of fingerprints. The Fremont County prosecutor's office recently advised counsel for Mr. Chad Daybell that they intend to attempt to obtain DNA samples from fingerprints obtained as part of their investigation. That the state notified counsel that such

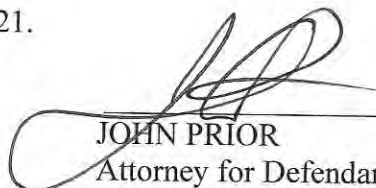
fingerprint testing would completely consume the remaining DNA evidence obtained by law enforcement. This would preclude the defense from seeking independent testing by their own expert. The Defendant is requesting the following: That the court order the State not to pursue any testing on remaining fingerprint samples for DNA evidence samples until such time as the defense can obtain half of all samples to allow the defense to perform their own testing.

That the state must provide all records, reports, documentation related to the testing that has been performed to date. That the court order the State to arrange for the Defendant's expert to go directly to any lab testing such samples to review, copy, photograph, and document Any and all processes, test, procedures, and testing procedures that will be performed on the fingerprint samples and have been performed to date. Provide to the defense any and all other evidence related to the fingerprint testing conducted in this case.

That the court order the testing agency performing any test to photograph record and document any serology, microscopy or other visual test performed or to be performed on any fingerprint sample related to this case. That the state be ordered to allow Defendant Forensic DNA expert to examine all quantification evidence, extraction evidence used and documented by the testing lab. That the court set an expedited hearing on this matter to avoid the state moving forward on its intention to totally consume all the fingerprint evidence. Prior to the defense having an opportunity to review said evidence.

WHEREFORE, Defendant respectfully requests that this Honorable Court set an expedited time for a hearing on a Motion to Oppose Use of and Motion to Preserve Fingerprint Samples Motion for Photographic Recording of Serology Samples and Other Visual Tests Motion to Review Lab Records.


DATED this 26<sup>th</sup> day of July 2021.

  
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 26<sup>th</sup> day of July 2021.

  
JOHN PRIOR  
Attorney for Defendant