

**JOHN PRIOR**  
**LAW OFFICES OF JOHN PRIOR**  
ISB#5344  
429 SW 5<sup>th</sup> Avenue #110  
Meridian, Idaho 83642  
Telephone: (208) 465-9839  
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**

THE STATE OF IDAHO,	)	CASE NO. CR22-21-1623
	)	
Plaintiff,	)	
	)	
-vs-	)	<b>MOTION TO EXTEND TIME</b>
	)	<b>FOR I.C.R. 12(b) MOTIONS TO BE</b>
	)	<b>FILED AND HEARD</b>
CHAD GUY DAYBELL,	)	
	)	
Defendant.	)	
	)	
	)	
	)	

COMES NOW, The Defendant, by and through his attorney, JOHN PRIOR, and moves this Honorable Court for an Order providing that the time for the court setting a hearing on Defendant's 12(b) Motion to Dismiss be extended beyond the 14 days as set forth in Idaho Criminal Rule 12. Further that once the prosecutor's office submits the discovery to defense time be extended to allow for the review and if necessary, any 12(b) motions.

The grounds and reasons for this motion are as follows:

1. The defense has yet to receive any discovery from the prosecutor from this case. Request for Discovery accepted on June 15, 2021. Defense offered to hand deliver to the prosecutor's

office hard drives to download the discovery. The prosecutor's office declined my offer and we verbally agreed to give them a short extension of time to provide the discovery to my office. Their recent response although unconventional suggests that they will get me discovery by July 15, 2021.


2. Review of complete discovery which yet has not been provided to Defendant's counsel and of the requested transcripts of any hearing will be necessary to adequately prepare and argue the legal basis for dismissal of the charges and is necessary to protect the Defendant's constitutional rights.

3. The defense will be unable to review and analyze the complete discovery required by the Idaho Criminal Rules in time to file all motions within the time stated by I.C.R. 12(d) and the rule set forth by this jurisdiction.

4. The ends of justice will be served by granting this motion.

WHEREFORE, defendant respectfully requests that this Honorable Court grant his Motion to Extend Time to hear and file 12 (b) Motions for the reasons set forth above.


DATED this 21 day of June 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 placing efileing and service  
to prosecutor@co.fremont.id.us on this date.

DATED this 21 day of June 2021.



---

JOHN PRIOR  
Attorney for Defendant