

COMES NOW John Prior, counsel for the Defendant and hereby respectfully requests the court set an expedited hearing for Defendant Chad Guy Daybell's Motion to Oppose Use and Motion to Preserve DNA Samples. Motion for Photographic Recording of all Serology Samples and Other Visual Tests. Motion to Review all lab records, processing procedures, policy procedures and reports of the State Lab or other lab performing testing on the samples related to this case. That on April 21, 2021, the Special Prosecutor Robert Wood sent correspondence to Defense Counsel that he intends to perform DNA testing on samples obtained by law

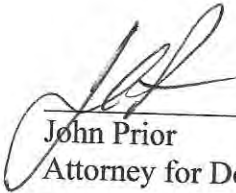
MOTION TO OPPOSE USE OF AND MOTION TO PRESERVE - Page 1

enforcement. On April 21, 2021 he submitted to my office notice that there is additional discovery not yet provided to defense counsel that will be forthcoming. This additional discovery included but was not limited to some DNA testing that had not yet been provided to the defense. That he notified my office by such correspondence that additional DNA 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 to not pursue any testing on remaining DNA samples until such time as the defense can obtain half of all samples to allow defense to perform their own DNA testing of all samples. That the court order the State to provide all records, reports, documentation related to the testing that has been performed to date. That the court order the State to allow defendant's DNA expert to go directly to any lab testing such samples to review, copy, photograph, and document any and all processes, tests, procedures and testing procedures that will be performed on the additional samples and have been performed to date. Provide to the defense any and all other evidence related to DNA testing 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 DNA sample related to this case. That the State be ordered to allow Defendant's DNA expert to examine all quantification evidence, extraction evidence used and documented by the State's lab

That the court set an expedited hearing on this matter to avoid the state moving on its intention to consume all DNA evidence prior to defense having the opportunity to even review such evidence.

Dated this 22nd day of April 2021.



John Prior
Attorney for Defendant

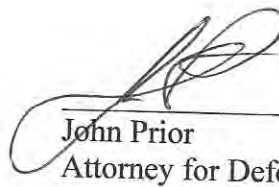
CERTIFICATE OF SERVICE: This certifies that a true and correct copy of the above and foregoing instrument was delivered to the office of the FREMONT COUNTY SPECIAL PROSECUTING ATTORNEY by odyssey court efile to Robert H. Wood Madison County Prosecuting Attorney and Mark Means counsel for Lori Norene Vallow to mlm@means-law.com

mcpo.madison.id.us

XX Court Efile and Serve

mlm@means-law.com

Dated this 22nd day of April 2021.



John Prior
Attorney for Defendant