

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

THE STATE OF IOWA,

Plaintiff,

vs.

ISAIAH THOMAS PAUL MOTHERSHED,

Defendant.

CRIMINAL NO. FECR091803

MOTION TO DISMISS

COMES NOW the State of Iowa, by Patrick Jennings, Woodbury County Attorney, and moves the court to dismiss all counts of the above-entitled action on the basis that the dismissal is in the furtherance of justice.

1. Further investigation is needed to determine the full culpability of the defendant, if any, to the actual event(s) that occurred on July 7, 2015, as well as the immediate following days which resulted in several homes being shot into.
2. Evidence has been submitted to the DCI crime laboratory for DNA and ballistics analysis.
3. Should additional investigation show that charges are appropriate, the charges in this matter can be refiled under Iowa Rule of Criminal Procedure 2.33(1). *See State v. Fisher*, 351 NW2d 798 (Iowa 1984)(furtherance of justice includes facilitating the state in gathering evidence, procuring witnesses, or plea bargaining); *see also, State v. Hamrick*, 595 NW2d 492 (Iowa 1999)(State is not precluded from refilling previously dismissed charges when the dismissal is in the furtherance of justice).



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