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Attorney for Defendant

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

v.

SARA BRADY,

Defendant.

Case No.: CR01-20-15765

**MOTION TO DISMISS ON
CONSTITUTIONAL GROUNDS**

COMES NOW the Defendant, Sara Brady, by and through undersigned counsel and hereby moves this Court for an Order dismissing the above-entitled matter. This motion is made pursuant to Idaho Criminal Rule 12(b) and in the alternative 48(a)(2) on the grounds that such an Order will serve the ends of justice and the effective administration of the Court's business.

This motion is further supported by a Memorandum in Support of Motion to Dismiss and a Stipulation RE: Undisputed Facts agreed upon by Sara Brady, by and through her counsel, Seth Diviney; and Plaintiff, the State of Idaho, by and through counsel, Jessica Kuehn of the Office of Attorney General. The parties stipulated and agreed that the facts presented in the Stipulation

may be accepted by the Court as true and undisputed for purposes of adjudicating Defendant's Motion to Dismiss on Constitutional Grounds.

The Defendant respectfully requests oral argument on this motion on May 31, 2022 at 2:15 p.m.

DATED this 17th day of May, 2022.

/s/ Seth Diviney
Seth Diviney
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of May, 2022, I caused to be served a true and accurate copy of the foregoing document upon the following attorney(s) by the method indicated:

Jessica Kuehn Office of Attorney General P.O. Box 83720 Boise, ID 83720 (208) 334-4548	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Delivery <input type="checkbox"/> Electronic Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> iCourt: Jessica.Kuehn@ag.idaho.gov
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/s/ Seth Diviney
Seth Diviney