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**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE**

STATE OF IDAHO,

Plaintiff,

V.

MAJORJON ALLEN KAYLOR,

Defendant.

CASE NUMBER CR40-23-0970

**MOTION TO DISMISS COUNTS I AND II
PURSUANT TO I.C.R. 48**

COMES NOW, Majorjon Allen Kaylor, by and through his attorney, Christopher D. Schwartz of Schwartz Law, P.C., and pursuant to Idaho Criminal Rule 48, hereby moves this Court to dismiss Counts I and II in the above-entitled matter, on the grounds that dismissal will serve the ends of justice and the effective administration of the Court's business.

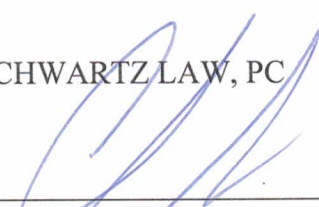
Specifically, the State has not furnished evidence throughout the discovery process that tends to show that the deaths of the alleged victims in Counts I and II were perpetrated by means of poison; lying in wait; torture; to execute vengeance; to extort something from the victim; to satisfy some sadistic inclination; by any kind of willful, deliberate and premeditated killing; or in

the course of the commission of a qualifying felony. Thus, the State cannot sustain its burden of proving First Degree Murder as it related to these charges.

Counsel for Mr. Kaylor requests a hearing be set to present oral argument and evidence in support of said Motion. Requested time is 45 minutes.

DATED this 11 day of October, 2023.

SCHWARTZ LAW, PC



CHRISTOPHER D. SCHWARTZ
ATTORNEY AT LAW

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same as indicated below on this 11 day of October, 2023 addressed to:

Shoshone County Prosecutor

Via iCourt to:

prosecutor@co.shoshone.id.us

