

IN THE IOWA DISTRICT COURT, IN AND FOR LINN COUNTY

STATE OF IOWA,
Plaintiff,
vs.
Dale Allen Albaugh
Defendant,

*
* SRCR129031
*
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* MOTION TO DISMISS
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COMES NOW the State of Iowa, by and through Assistant Linn County Attorney, Jennifer L. Erger, pursuant to Iowa Rule of Criminal Procedure 2.33(1) moves to dismiss the criminal prosecution in this matter, and states in support of, the following:

1. On October 30, 2018, the State filed Criminal Complaint SRCR129031 charging the defendant with Possession of a controlled substance (Methamphetamine) and possession of drug paraphernalia in violation of Iowa Code Section 124.401(5).
2. The Defense filed a motion to suppress in this matter on January 31, 2019 and a hearing on that matter was held on March 7, 2019.
3. The court sustained the motion to suppress by the defendant and all available evidence is no longer admissible.
4. The State therefore requests that SRCR129031, and any related tickets, be dismissed due to lack of evidence to proceed.

WHEREFORE, the State of Iowa respectfully requests that the criminal prosecution in this matter be dismissed and costs assessed to the State.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jennifer Erger". The signature is fluid and cursive, with the first name "Jennifer" written in a larger, more prominent script than the last name "Erger".

Assistant Linn County Attorney
Linn County Courthouse
51 Third Ave Bridge
Cedar Rapids IA 52401
(319)892-6350
Fax: (319)892-6389
Jennifer.Erger@LinnCounty.Org

Defense Counsel:
Raphael Scheetz