

STATE OF WYOMING )  
 : ss.  
COUNTY OF CARBON )

STATE OF WYOMING,  
Plaintiff,  
vs.

PHILLIP GERALD YEOMANS,  
Defendant.

IN THE CIRCUIT COURT  
SECOND JUDICIAL DISTRICT

Docket No.: CR-2022-0254

Y.O.B.: 1971

FILED

MAY 04 2022

CLERK OF CIRCUIT COURT  
SECOND JUDICIAL DISTRICT  
CARBON COUNTY, WYOMING  
BY \_\_\_\_\_

STATE OF WYOMING )  
 : ss.  
COUNTY OF CARBON )

STATE OF WYOMING,  
Plaintiff,  
vs.

BRADLY H. CAPE,  
Defendant.

IN THE CIRCUIT COURT  
SECOND JUDICIAL DISTRICT

Docket No.: CR-2022-0255

Y.O.B.: 1971

STATE OF WYOMING )  
 : ss.  
COUNTY OF CARBON )

STATE OF WYOMING,  
Plaintiff,  
vs.

ZACHARY MATTHEW SMITH,  
Defendant.

IN THE CIRCUIT COURT  
SECOND JUDICIAL DISTRICT

Docket No.: CR-2022-0256

Y.O.B.: 1998

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**MOTION TO DISMISS INFORMATION WITHOUT PREJUDICE**

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COMES NOW, the State of Wyoming by and through Ashley Mayfield Davis, Carbon County and Prosecuting Attorney in and for Carbon County, Wyoming, and respectfully moves this Court for its Order to Dismiss the Information filed herein and to vacate the arraignment scheduled for June 6, 2022; by and for the reason, that the State initially signed and submitted the charging

Information to the Court on April 13, 2022. The State previously notified Defendants of the filing of charges related to the 2020 incident in its response to Defendant's Motion to Dismiss filed on February 22, 2022. The State filed the charges prior to any ruling from the Court as to whether this evidence would be admissible at the trial for the 2021 incident. Pursuant to Wyoming Rules of Evidence 404(b), evidence of the prior incident was presented by the State in its case and chief against Defendants at the jury trial held from April 27, 2022, through April 29, 2022, in Court docket numbers CT-2021-5869, CT-2021-5870, CT-2021-5871, and CT-2021-5872. The essential facts in this matter were considered by the Jury. Therefore, rather than submitting the same evidence to another Jury, the State believes a dismissal would be in the interest of judicial economy and would ask the Court to dismiss the Information without prejudice.

DATED this 4<sup>th</sup> day of May, 2022.

Respectfully Submitted,



Ashley Mayfield Davis, Carbon  
County and Prosecuting Attorney

P.O. Box 1146

Rawlins, Wyoming 82301

(307)328-2700

Fax: (307)328-2704

Attorney Number: 6-4439

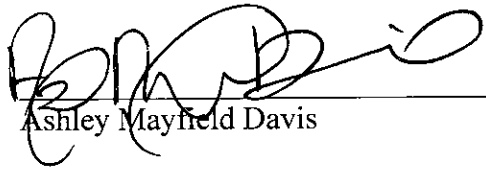
CERTIFICATE OF SERVICE

I hereby certify that on the 4<sup>th</sup> day of May, 2022 I served a copy of the above Motion to Dismiss by mailing a true copy thereof, by depositing the same in the United States mail, duly enveloped and postage prepaid, and addressed to:

Bradly H. Cape  
1158 Highway T  
Steelville, Missouri 65565

Phillip Gerald Yeomans  
31 Whispering Woods Road  
Cuba, Missouri 65453

Zachary Matthew Smith  
2851 Plato Place  
DeSoto, Missouri 63020



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Ashley Mayfield Davis