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IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

CHRISTOPHER CONLEY TAPP,

Petitioner,

vs.

STATE OF IDAHO,

Respondent.

Case No. CV10-19-4293

MOTION FOR POST-CONVICTION
RELIEF

The State of Idaho, by and through the Bonneville County Prosecutor's Office, hereby Moves this Court for Post-Conviction Relief pursuant to Idaho Code 19-4901(a)(6) and Idaho Rule of Professional Conduct 3.8(h).

Under Idaho Rule of Professional Conduct 3.8(g), upon the discovery of "new, credible material evidence creating a reasonable likelihood that a convicted defendant did not commit an offense of which the defendant was convicted" the prosecutor must disclose that evidence and undertake or encourage investigation to determine whether the defendant was wrongfully convicted. Idaho Rule of Professional Conduct 3.8(h) requires the prosecutor to remedy the conviction if the prosecutor knows of clear and convincing evidence establishing that the defendant was wrongfully convicted.


The basis for this Motion is that new, credible material evidence has been discovered by law enforcement in the investigation into the murder of Angie Dodge. This new evidence has a direct bearing on the efficacy of the conviction of Petitioner. This evidence, specific to the instant case includes the following:

1. In May 2019, the Idaho Falls Police Department, with the assistance of Parabon Laboratories, identified Brian L. Dripps, Sr. as the likely source of DNA evidence left at the scene of the murder of Angie Dodge;

2. A surreptitious DNA sample was collected from Brian L. Dripps, Sr. in Caldwell, Idaho. DNA comparison by the Idaho State Police Forensics Services Laboratory in Meridian, Idaho confirmed that Dripps was a match to the various items of DNA evidence left at the scene of the crime.
3. Mr. Dripps was interviewed in Caldwell, Idaho by Idaho Falls Police Department detectives. Dripps admitted to the rape and murder of Angie Dodge. During this interview, Dripps indicated repeatedly in the interview that he acted alone in the murder of Angie Dodge and that he did not know or have any relationship with the Petitioner at any time.
4. Since the time of Mr. Dripps interview, detectives have pursued information and details obtained from the interview to determine the veracity of Mr. Dripps statements.
5. To date, there has been no evidence obtained to connect Mr. Dripps to Petitioner.
6. Further, details of Mr. Dripps's statements to law enforcement of events of the night in question, to include the identification and interview of additional witnesses, were corroborated by detectives indicating truthfulness to Mr. Dripps statements.

Based on the foregoing, there exists clear and convincing evidence that Petitioner was convicted of a crime for which he did not commit. Therefore, the State moves the Court to grant post-conviction relief in this matter pursuant to Idaho Code 19-4901(a)(6). Specifically, the State requests that the Court set aside the jury verdict and vacate the judgment of conviction in State of Idaho vs. Christopher Conley Tapp, Bonneville County Case Number CR-1997-481 and dismiss said case.

Dated this 11th day of July 2019.



DANIEL R. CLARK
Bonneville County Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this the 11th day of July, 2019, I served a true and correct copy of the foregoing document to the parties listed below by iCourt e-filing and/or hand delivered:

DOCUMENT SERVED: MOTION FOR POST-CONVICTION RELIEF

PARTIES SERVED: John Thomas
 Bonneville County Public Defender's Office

Jennifer Cummins
Idaho Innocence Project



Legal Assistant