STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

June 3, 2021

Idaho State Board of Examiners
c/o State Controller's Office
700 W. State Street, 5th Floor
P.O. Box 83720
Boise ID 83720-0011

Re: Christopher Tapp

Dear Board Members:

On March 15, 2021, Christopher Tapp filed a complaint against the State of Idaho under Idaho's Wrongful Conviction Act (the "Act"). The Act, which became effective on March 5, 2021, provides that a person wrongfully convicted of a felony could obtain a Certificate of Innocence and an award of compensation upon demonstrating by a preponderance of the evidence that he or she:

- was convicted of a felony in this state and subsequently imprisoned;
- did not commit the crime for which he was convicted;
- did not commit the acts that were the basis of the conviction;
- did not aid, abet, or act as an accomplice or accessory to either the acts or to a person who committed the acts that were the basis for the conviction; and
- did not commit an included offense of the crime for which he was imprisoned.

The Act also required the conviction was reversed or vacated and either:

- the claimant was not retried and the charges were dismissed; or
- the claimant was retried and was found not guilty; and
- that the basis for reversing or vacating the conviction was not legal error unrelated to his factual innocence.

Idaho Code § 6-3502(2).

Civil Litigation Division
P.O. Box 83720, Boise, Idaho 83720-0010
Telephone: (208) 334-2400, FAX: (208) 854-8073
Located at 954 W. Jefferson 2nd Floor

The Wrongful Conviction Act was subsequently amended to change the method of calculating an award of compensation so that the time a person spent incarcerated before conviction was also included when calculating the award.

After evaluating the facts in Mr. Tapp's case, the State came to the conclusion that Mr. Tapp met the requirements of the Act and entered a stipulation agreeing the Mr. Tapp was entitled to a Certificate of Innocence and an award of compensation. The reasons for the State's conclusion is set forth in the stipulation, which is attached as exhibit A.

The Act provides that Mr. Tapp is entitled to $62,000 for each year of imprisonment including time prior to his conviction. Compensation under the Act is computed on a pro rata basis according to the number of days a person was incarcerated. The pro rata amount is determined by assuming each year is 365 days, which results in a calculated daily rate of $169.86. Mr. Tapp was incarcerated for 7,353 days and is therefore entitled to $1,248,980.58.

The parties' stipulation was submitted to the court and on May 18, 2021, the court entered a Certificate of Innocence and an award of compensation to Mr. Tapp in the amount of $1,248.980.58. The court order is attached as exhibit B.

The State requests that the Board of Examiners determine the amount awarded by the court is a claim that should be paid by the Controller out of the funds set aside by the legislature in the Innocence Fund, and that the check be issued to Mr. Tapp and his attorneys Neufeld Scheck & Brustin, LLP.

Respectfully,

Steven L. Olsen
Deputy Attorney General

cc: Brady Hall

EXHIBIT A

Electronically Filed
5/17/2021 5:12 PM
Fourth Judicial District, Ada County
Phil McGrane, Clerk of the Court
By: Nichole Snell, Deputy Clerk

LAWRENCE G. WASDEN
ATTORNEY GENERAL

STEVEN L. OLSEN, ISB # 3586
Deputy Attorney General
954 W. Jefferson Street, 2nd Floor
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steven.olsen@ag.idaho.gov

Attorney for Respondent State of Idaho

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

CHRISTOPHER TAPP, Petitioner, v. THE STATE OF IDAHO, Respondent.	Ada County District Court No. CV01-21-03719 **STIPULATION FOR CERTIFICATE OF INNOCENCE AND COMPENSATION**

COMES NOW the Respondent State of Idaho, by and through its counsel of record, Steven L. Olsen, Deputy Attorney General, and Petitioner Christopher Tapp, by and through his counsel of record, Peter Neufeld, and hereby stipulate and agree that a Certificate of Innocence and an award of compensation be entered by this Court on behalf of Petitioner Christopher Tapp for the following reasons.

REQUIREMENTS UNDER THE WRONGFUL CONVICTION ACT

In order to receive compensation and a Certificate of Innocence under the Wrongful Conviction Act (the "Act"), a claimant must establish each of the following by a preponderance of the evidence:

(a) The claimant was convicted of a felony in this state and subsequently imprisoned;

(b) The claimant did not commit the crime for which he was convicted;

(c) The claimant did not commit the acts that were the basis of the conviction;

(d) The claimant did not aid, abet, or act as an accomplice or accessory to either the acts or to a person who committed the acts that were the basis for the conviction;

(e) The claimant did not commit an included offense of the crime for which he was imprisoned;

(f) The claimant establishes that his conviction was reversed or vacated and either:

i. The claimant was not retried and the charges were dismissed; or

ii. The claimant was retried and was found not guilty; and

(g) The claimant establishes that the basis for reversing or vacating the conviction was not legal error unrelated to his factual innocence.

Idaho Code § 6-3502(2).

A person seeking compensation under the Act cannot prevail if the State shows by a preponderance of the evidence that a claimant pled guilty with the specific intent to protect another party from prosecution for the underlying conviction that forms the basis for the claim. Idaho Code § 6-3502(3). The Act requires a person in Mr. Tapp's circumstances to file an action within two years of its effective date which Mr. Tapp has done. Idaho Code § 6-3502(4).

BASIS FOR CERTIFICATE OF INNOCENCE

On February 3, 1997, Christopher Tapp was arrested and charged with first degree murder and the rape of Angie Dodge. Each charge included an enhancement for the use of a deadly weapon. Exhibit A, p. 1. On May 28, 1998, the jury rendered a verdict finding him guilty of Murder in the First Degree, Rape, and Enhancement for Use of a Deadly Weapon in both felonies. Exhibit A, p.1, Exhibit C, ¶ 5.

On December 11, 1998, the court imposed a judgment of conviction on Mr. Tapp finding him guilty of murder in the first degree, rape, and use of a deadly weapon during the commission of a felony. Exhibit A. Mr. Tapp was sentenced to a unified term in count one of Life plus 15 years with a fixed term of 30 years, and on count two, a term of 20 years with a fixed term of 10 years. Exhibit C, ¶ 6. Mr. Tapp's conviction was affirmed by the Idaho Supreme Court on July 20, 2000. Exhibit C, ¶ 7.

On March 22, 2017, the Bonneville County prosecuting attorney and Mr. Tapp's attorney appeared before the court pursuant to an ICR 11(f)(1)(C) stipulation as to disposition of the charges for which Mr. Tapp was convicted. Exhibit A, p. 1. Consistent with this stipulation, the Bonneville County court dismissed the charge of rape and enhancement for use of a deadly weapon in the commission of that rape, and the court vacated the sentence imposed for that charge. Exhibit A, p. 2. The court did not dismiss the first degree murder count but allowed Mr. Tapp time served on that count. See Exhibit A. Mr. Tapp was released from custody on March 22, 2017. On July 10, 2019, Mr. Tapp filed a Verified Petition for Post-Conviction Relief (July 10 Petition) (see Exhibit C) in which he asked the court to find him "innocent of the rape and murder of Angie Dodge" and further requested that "the Court vacate the original conviction entered in CR-1997-481-FE for all charges including rape and murder as well as the weapons' enhancement pursuant to Mr. Tapp's actual innocence." Exhibit C, ¶ 14.

On July 11, 2019, the Bonneville County prosecuting attorney filed a Motion for Post-Conviction Relief (July 11 Motion) stating that he had an ethical obligation under Idaho Rule of Professional Conduct 3.8(h) to remedy a conviction "if the prosecutor knows of clear and convincing evidence establishing that the defendant was wrongfully convicted." Exhibit B, p. 1.

The July 11 Motion declared that DNA evidence placed Brian L. Dripps, Sr., at the scene of the Angie Dodge murder and that Mr. Dripps had "admitted to the rape and murder of Angie

Dodge" and had "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. Exhibit B, p. 2. The motion further declared that "[t]o date, there has been no evidence obtained to connect Mr. Dripps to Petitioner," and"[b]ased on the foregoing, there exists clear and convincing evidence that Petitioner was convicted of a crime for which he did not commit." Exhibit B, p. 2.

Consistent with Mr. Tapp's July 10 Petition and the prosecutor's July 11 Motion, the court entered an order on July 26, 2019 vacating and dismissing the conviction in CR-1997-481-FE "based on actual innocence," and further ordered that the order in CV-2016-2549 be amended to "reflect that the conviction was vacated and dismissed pursuant to 19-4901(6) pursuant to actual innocence." Exhibit D, ¶¶ 1, 2.

Subsequent to the court's July 26, 2019 order, Brian Dripps has confessed and pled guilty to the rape and murder of Ms. Dodge.

The foregoing supports a conclusion that Mr. Tapp has met the requirements of the Idaho Wrongful Conviction Act, specifically that he did not commit the crimes for which he was convicted, nor the acts that were the basis of the crime; nor did he aid, abet or act as an accomplice or accessory to the person who committed the acts that were the basis of the convictions. Further, Mr. Tapp's convictions were reversed not because of legal error but because the court concluded he was, in fact, innocent of the crimes for which he had been originally convicted.

For the reasons hereinabove, a Certificate of Innocence on behalf of Christopher Tapp should be entered.

BASIS FOR COMPENSATION

The Act provides that compensation shall be paid on a pro rata basis at the rate of $62,000 per year for each year of imprisonment. Idaho Code § 6-3503(1)(a(i). Damages are "computed according to the number of days the claimant was imprisoned, [or] on parole . . . due to the

conviction that is the subject of the action." Idaho Code § 6-3503(2). Mr. Tapp was incarcerated on February 3, 1997 on the charges of rape and murder. The jury returned a verdict of guilty on both of those charges on May 28, 1998. A Judgment of Conviction was entered on December 11, 1998. Mr. Tapp was released from incarceration on March 22, 2017. Mr. Tapp was incarcerated for 7,353 days. The Act provides that Mr. Tapp is entitled to compensation computed on a pro rata basis "with damages computed according to the number of days the claimant spent awaiting trial and was imprisoned . . . ." Idaho Code section 6-3503(2). Under the Act, Mr. Tapp is entitled to compensation in the amount of $1,248,980.58 (7,353 days x the daily rate of $169.86).

For these reasons, the State stipulates that a Certificate of Innocence can be entered by this Court on behalf of Christopher Tapp and that compensation can be awarded to him in the amount of $ $1,248,980.58.

DATED this 17th day of May, 2021.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By: */s/ Steven L. Olsen*
Steven L. Olsen
Deputy Attorney General

DATED this 17th day of May, 2021.

By: */s/ Peter Neufeld*
Peter Neufeld
Admitted Pro Hac Vice
Attorney for Christopher Tapp

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of May, 2021, I served the foregoing electronically through the iCourt E-File system, which caused the following parties or counsel to be served electronic means, as more fully reflected on the Notification of Service.

Robin Long, ISB #5082
Idaho Innocence Project
1910 University Dr., Mailstop 1515
robinlong@boisestate.edu

Peter Neufeld
Neufeld, Scheck & Brustin, LLP
99 Hudson St., 8th Floor
New York, NY 10013
peter@nsbcivilrights.com

John Thomas, ISB #6727
Office of Public Defender
166 Martinsburg Lane
Idaho Falls, ID 83404
jthomas@co.bonneville.id.us

By: /s/ *Steven L. Olsen*
Steven L. Olsen
Deputy Attorney General

EXHIBIT A

BONNEVILLE COUNTY
IDAHO
17 MAR 22 PM 12:22

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

STATE OF IDAHO, Plaintiff, vs. CHRISTOPHER CONLEY TAPP, DOB: 07/11/1976, SS: ***-**-*733, Defendant.	)	Case No. CR-1997-481 **AMENDED JUDGMENT OF CONVICTION**

On the 30th day of July, 1997, Christopher Conley Tapp was arraigned before the Honorable Ted V. Wood, District Judge of the Seventh Judicial District Court in and for the County of Bonneville.

The defendant was fully informed by the Court of the nature of the charges of Count I, Murder in the First Degree as set forth in the Information, a violation of Idaho Code Section 18-4001, which was committed on or about June 13, 1996; Count II, Rape, Idaho Code Section 18-6101, committed on or about June 13, 1996; an enhancement for Use of a Deadly Weapon in the Commission of Murder in the First Degree; and an enhancement for Use of a Deadly Weapon in the Commission of Rape, Idaho Code Section 18-2520. The defendant entered a plea of not guilty to the charges.

A trial by jury was held and the jury returned a verdict of guilty to the charges of Count I, Murder in the First Degree; Count II, Rape; Enhancement for Use of a Deadly Weapon in the Commission of First Degree Murder; and Enhancement for Use of a Deadly Weapon in the Commission of Rape.

On the 11th day of December, 1998, the Prosecuting Attorney together with the above named defendant and his counsel of record, appeared before the Court for the pronouncement of sentence upon the defendant.

On the 22nd day of March, 2017, the Prosecuting Attorney together with the above named defendant and his counsel of record, appeared before the Court for the pronouncement of an amended or resentencing of the defendant base upon a ICR 11(f)(1)(C) stipulation as to disposition of Bonneville County cases CV-2016-2549, CV-2015-2418, CV-2012-5881 and CR-1997-481,

binding upon the Court. Upon inquiry from the Court, the defendant advised that he agreed with and consented to the terms of said Stipulation For Disposition. Based upon the foregoing, together with all the evidence before the Court, and the Court being fully advised in the law and the premises:

IT IS ORDERED, ADJUDGED AND DECREED that the defendant is guilty of Count I Murder in the First Degree and Enhancement for Use of a Deadly Weapon in the Commission of First Degree Murder as charged in the Information and , IT IS FURTHER ORDERED, that the defendant be sentenced to the custody of the Idaho State Board of Corrections for a term of twenty (20) year(s), subject to a credit for twenty (20) year(s) plus any additional jail service.

Defendant must pay, $78.50 Court costs, $2,500.00 to the Crime Victims Compensation Fund.

Count II, Rape and Enhancement for Use of a Deadly Weapon in the Commission of Rape, is dismissed and the previous sentence thereon is vacated.

The defendant shall be released from custody today.

Dated this 22nd day of March, 2017.

7TH JUDICIAL DISTRICT COUNTY OF BONNEVILLE STATE OF IDAHO DISTRICT COURT

ALAN C. STEPHENS
District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 22 day of March, 2017, I did send a true and correct copy of the foregoing document upon the parties listed below by mailing, with the correct postage thereon; by causing the same to be placed in the respective courthouse mailbox; or by causing the same to be hand-delivered.

State
Defense Counsel
Probation and Parole
Sheriff Office - Jail
IDOC

PENNY MANNING
Clerk of the District Court
Bonneville County, Idaho

By _____
Deputy Clerk

EXHIBIT B

Electronically Filed
7/11/2019 4:14 PM
Seventh Judicial District, Bonneville County
Penny Manning, Clerk of the Court
By: Maria Padilla, Deputy Clerk

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189
Attorney for Respondent

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

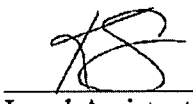
CERTIFICATE OF SERVICE

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

EXHIBIT C

Electronically Filed
7/10/2019 3:58 PM
Seventh Judicial District, Bonneville County
Penny Manning, Clerk of the Court
By: John Frey, Deputy Clerk

JOHN THOMAS
ISB #6727
Office of the Public Defender
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605 N. Capital Ave.
Idaho Falls, ID 83402
Telephone: (208) 529-1350 ext. 1105

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

CHRISTOPHER TAPP, Petitioner, vs. STATE OF IDAHO, Respondent,	Case No. ~~CV-~~ CV10-19-4293 **VERIFIED PETITION FOR POST CONVICTION RELIEF**

I. INTRODUCTION:

1. Petitioner, Mr. Christopher Tapp, currently resides at 130 E 18th Street, Idaho Falls, Idaho.
2. On January 13, 1997, the State of Idaho, through the Bonneville County Prosecuting Attorney, charged Mr. Tapp with a felony violation of I.C. §18-205 accessory to a felony/ harboring a wanted felon. That case was dismissed on January 17, 1997.The case number associated with this charge is CR-1996-165
3. On January 30, 1997, the State of Idaho, through the Bonneville County Prosecuting Attorney, charged Mr. Tapp again with a felony violation of I.C. §18-205 accessory to a felony/ harboring a wanted felon. That case was dismissed on February 3, 1997. The case number associated with this charge is CR-1997-420-FE.
4. On February 3, 1997, the State of Idaho, through the Bonneville County Prosecuting Attorney, charged Mr. Tapp with a felony violation of I.C. § 18-4001 Murder in the First Degree, I.C.§ 18-6101 Rape, and I.C. 19-2520 use of a deadly weapon in the commission

of a felony. The case number associated with these charges is CR-1997-481-FE.

5. On May 12, 1998 a jury trial was commenced. Mr Tapp was found guilty by jury on May 28, 1998.
6. On December 11, 1998, the District Court for the Seventh Judicial District in the State of Idaho, Bonneville County, the Honorable Ted Wood presiding ("District Court") imposed a Judgement of Conviction finding Mr. Tapp Guilty of Murder in the First Degree, Rape and Use of a Deadly Weapon during the commission of a felony as charged in the information and sentenced Mr. Tapp to a unified term in count one of Life plus 15 years (deadly weapons enhancement) a fixed term of 30 years, and count two a term of 20 years with a fixed term of 10 years.
7. Mr. Tapp has appealed his conviction to the Supreme Court of Idaho. His conviction was affirmed on July 20, 2000.
8. Mr. Tapp filed five previous Petitions for Post Conviction Relief based on various theories.
9. Mr. Tapp now files a sixth successive Petition for Post- Conviction Relief based on new evidence That Christopher Tapp is actually innocent.

FIRST CAUSE OF ACTION: Pursuant to Idaho Code §19-4901(6), new evidence has been discovered which negates the conviction of Christopher Tapp as charged and convicted in CR- 1997-481.

10. On May 16, 2019, the Bonneville County Prosecuting Attorney and the Idaho Fall Police Department held a press conference announcing that they had positively identified Brian Leigh Dripps as the source of the suspect DNA, including all of the semen and incriminating skin cell evidence left at 444 I street in Idaho Falls, Idaho which was collected on June 13, 1996 in an investigation into the murder of Angie Dodge.

11. The Idaho Falls Police Department had subsequently interviewed Brian Leigh Dripps in connection with the positive identification of his DNA found at the scene, and Dripps admitted to the rape and murder of Angie Dodge.

12. During his confession of the Rape and Murder of Angie Dodge, Mr. Dripps admitted that he acted alone. Furthermore, Dripps acknowledged that he did not know Chris Tapp nor had he ever met Mr. Tapp in his life.

13. It is the belief of the Defendant that the Idaho Falls Police Department and the Bonneville County Prosecutors office have vetted the Dripps confession and have corroborated the information gained from the confession and have found Mr. Tapp had nothing to do with the rape or murder of Angie Dodge.

PRAYER FOR RELIEF

14. The Petitioner hereby requests pursuant to I.C. 19-4901(6) that the Court find that Chris Tapp is actually innocent of the rape and murder of Angie Dodge and further requests that the Court vacate the conviction originally entered in CR-1997-481-FE for all charges including rape and murder as well as the weapons enhancement pursuant to Mr. Tapp's actual innocence.

15. The Petitioner further requests that the Court amend its order in CV-2016-2549 which was based on the Interest of Justice, to now reflect the actual innocence of Mr. Tapp based on the new evidence described in paragraphs 10 through 13 of this petition as if recited verbatim herein.

DATED this 10 day of July, 2019.

John Thomas
Attorney for Petitioner

VERIFICATION OF PETITIONER

I, Christopher Tapp, being duly sworn upon oath, asy that I have subscribed to the foregoing petition; that I know the contents thereof; and that the matters and allegations therein set forth are true to the best of my knowledge.

Chris Tapp

SUBSCRIBED AND SWORN TO before me this 10 day of July, 2019.

Notary Public

Notary Public for the State of Idaho

Residing at : Ammon, Idaho

My Commission expires on: 2-15-2024

PAULA D. MCGARY
NOTARY PUBLIC - STATE OF IDAHO
COMMISSION NUMBER 10342
MY COMMISSION EXPIRES 2-15-2024

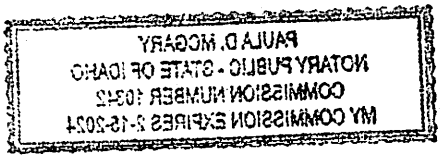

PAULA D. MCGARY
NOTARY PUBLIC - STATE OF IDAHO
COMMISSION NUMBER 19242
MY COMMISSION EXPIRES 3-15-2021

EXHIBIT D

Filed: 07/26/2019 11:39:26
Seventh Judicial District, Bonneville County
Penny Manning, Clerk of the Court
By: Deputy Clerk - McGary, Nikki

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

CHRISTOPHER CONLEY TAPP, Petitioner, vs. STATE OF IDAHO, Respondent.	)	Case No.: CV10-19-4293 **ORDER**

Based on the motion by the Bonneville County Prosecutor's Office and the Motion for Post- Conviction filed by the Petitioner,

IT IS HEREBY ORDERED:

1. Pursuant to 19-4901(6), the conviction in CR-1997-481 shall be vacated and dismissed based on actual innocence.
2. The Order in CV-2016-2549 shall be hereby amended to reflect that the conviction was vacated and dismissed pursuant to 19-4901(6) pursuant to actual innocence.

DATED: _____

Signed: 7/25/2019 09:45 AM

_____
District Judge

CERTIFICATE OF ENTRY

Signed: 7/26/2019 11:39 AM

I HEREBY CERTIFY that on this ___ day of July, 2019, I served a true and correct copy of the enclosed document by email:

JOHN THOMAS
Office of the Public Defender
Bonneville County

DANIEL R. CLARK
Prosecuting Attorney's Office
Bonneville County

Clerk of the Court

NM

Deputy Clerk

EXHIBIT B

Filed: 05/18/2021 16:05:08
Fourth Judicial District, Ada County
Phil McGrane, Clerk of the Court
By: Deputy Clerk - Masters, Beth

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

CHRISTOPHER TAPP,

Petitioner,

v.

THE STATE OF IDAHO,

Respondent.

Ada County District Court
No. CV01-21-03719

CERTIFICATE OF INNOCENCE AND AWARD OF COMPENSATION

Upon stipulation of the parties, and for good cause showing therefore, this court hereby issues a Certificate of Innocence as provided by Idaho Code §§ 6-3501-3505 and enters an award of compensation on behalf of Petitioner, Christopher Tapp, in the amount of $1,248,980.58, with the parties to bear their own attorney fees and costs.

DATED this **18th** day of May, 2021.

5/18/2021 3:51:59 PM

Honorable Judge Michael Reardon

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of May, 2021, I served the foregoing electronically through the iCourt E-File system, which caused the following parties or counsel to be served electronic means, as more fully reflected on the Notification of Service.

Steven L. Olsen, ISB # 3586
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Robin Long, ISB #5082
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Attorney for Petitioner Christopher Tapp

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- ☐ First Class Mail
- ☒ Email robinlong@boisestate.edu
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Peter Neufeld
Neufeld, Scheck & Brustin, LLP
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- ☒ Email peter@nsbcivilrights.com
- ☐ Facsimile

John Thomas, ISB #6727
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Idaho Falls, ID 83404
Attorney for Petitioner Christopher Tapp

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- ☐ First Class Mail
- ☒ Email jthomas@co.bonneville.id.us
- ☐ Facsimile

By: Beth Martens 5/18/2021 4:05:49 PM