

IN THE IOWA DISTRICT COURT IN AND FOR STORY COUNTY

STATE OF IOWA, Plaintiff,	CASE NO. AGCR062881
vs.	MOTION TO DISMISS WITH PREJUDICE
EYIOMA UWAZURIKE, Defendant.	

COMES NOW, the State of Iowa, by and through the undersigned Assistant Story County Attorney, and requests that this matter be dismissed with prejudice, and, in support thereof, states the following:

1. On February 27, 2024, the Defendant sent the undersigned a letter detailing newly discovered evidence obtained through an open records request to the Iowa Racing and Gaming Commission.
2. The evidence showed that GeoComply, provider of the Kibana product used in these investigations, believed DCI exceeded the scope of its permitted use in using the Kibana product in October of 2023.
3. The evidence further established that GeoComply revoked DCI's use of the Kibana product on January 24, 2024, due to concerns that DCI "may" have exceeded the scope of its permitted use.
4. Promptly upon receiving Counsel's letter, the undersigned investigated the allegations and has confirmed them to be accurate.
5. The undersigned has attempted to speak directly to GeoComply through counsel. GeoComply has failed to respond to the undersigned regarding their position as reflected in the January 2024 letter.
6. Due to this newly discovered evidence, the State no longer believes further prosecution in this matter is in the interests of justice.
7. The Defendant consents to dismissal of this case with costs assessed to the State. The Defendant has agreed to withdraw the Motion to Suppress.

WHEREFORE, the State of Iowa, by and through the undersigned Assistant Story County Attorney, requests that this matter be dismissed with prejudice and with court costs assessed to the State.

Respectfully submitted,

/s/ Benjamin Matchan

Benjamin Matchan
Assistant Story County Attorney
126 South Kellogg, Suite 203
Ames, Iowa 50010
Phone: (515) 232-4185
Facsimile: (515) 232-6405