STATE OF WYOMING	)	IN THE CIRCUIT COURT
	: ss	
COUNTY OF CARBON	)	SECOND JUDICIAL DISTRICT
		Docket No. CR-2021-0800

THE STATE OF WYOMING,)
)
Plaintiff,)
)
vs.)
)
JOEY CORRENTI IV,)
)
Defendant.)

MOTION TO DISMISS

COMES NOW Joey Correnti IV (Defendant), and moves the Circuit Court for an Order dismissing the State's Petition to prosecute under W.S. 6-2-504(b) for the following reasons:

1. On December 2, 2021 Jason Gay of the Carbon County Attorney's Office filed State's Petition CR-2021-0800 to invoke W.S. 6-2-504(b) alleging that the Defendant had "pointed a firearm in the direction of another" (Nicholas Chadwick) in Carbon County, Wyoming. The State further alleges that, "the actions of the Defendant is contrary to the statute and against the peace and dignity of the State of Wyoming."

2. On November 1st, 2021, Mr. Gay represented the State, and (indirectly) the Defendant, as the victim of a criminal assault (W.S. 6-2-501(b)) perpetrated by Nicholas Chadwick in the same October 7, 2021 incident, that Mr. Gay is bringing charges against the Defendant in this case for. This presents a conflict of interest for Mr. Gay, as the State must believe that it has clear and convincing evidence, to charge and prosecute Nicholas Chadwick, with criminal assault for his involvement in that incident. Therefore, a successful prosecution of Nicholas Chadwick on the pending charge of battery, would make the current charge of violating W.S. 6-2-504(b) by the Defendant a conflict, not only for Mr. Gay, but also to the States evidence in the aforementioned case.

3. The specific statute sited in the summons and charging document against the Defendant is W.S. 6-2-504(b) and that statute clearly states, "Any person who knowingly points a firearm at or in the direction of another, whether or not the person believes the firearm is loaded, is guilty of reckless endangering unless reasonably necessary in defense of his person, property or abode or to prevent serious bodily injury to another or as provided for under W.S. 6-2-602."

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4. The existence of an ongoing criminal prosecution of Nicholas Chadwick, for violation of W.S. 6-2-501(b), and the evidence being presented in that case, automatically makes the Defendant a legitimate victim of battery, and in turn specifically and directly protects the Defendant from any prosecution under W.S. 6-2-602 (a), (b)(i) & (ii), (e) & (f) as Wyoming law clearly states that the defendant has a right to the use of force, in self-defense, with no duty to retreat, and cannot be criminally prosecuted for that use of reasonable defensive force.

5. The above listed reasons for dismissal notwithstanding, the only crimes committed related in any way to the defendant would be the violation of W.S. 6-2-501(b) perpetrated against the Defendant by Nicholas Chadwick on October 7, 2021 and the violation of W.S. 6-2-602(f) perpetrated against the Defendant by Mr. Gay in the attempt to prosecute the Defendant in direct violation of the specific provisions of that statute.

WHEREFORE IT IS RESPECTFULLY REQUESTED that the Court immediately dismiss this matter with prejudice. DATED this 3rd day of January 2022.

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Joey Correnti IV
Defendant
P.O. Box 1776
Rawlins, WY 82301
307.477.1776

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I received a copy of the foregoing Motion to Dismiss in the Circuit Court of the Second Judicial District at the Interim Carbon County Courthouse, 812 E. Murray Street, Rawlins, Wyoming 82301, 3rd day of January 2022, and will deliver a copy to the Honorable Susan Stipe or the Judge currently assigned to Docket No. CR-2021-0800.

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Recipient of Motion to Dismiss