

ROB H. WOOD # 8229
Madison County Prosecuting Attorney
rwood@co.madison.id.us

159 East Main Street
P. O. Box 350
Rexburg, Idaho 83440
(208) 356-7768
(208) 356-7839

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

STATE OF IDAHO,

Plaintiff,

vs.

CHAD GUY DAYBELL,

Defendant.

Case No.: CR22-20-0755

**MEMORANDUM IN SUPPORT OF
MOTION FOR JOINDER**

The State of Idaho has moved this Court for an order joining the Defendant Chad Daybell's case with his Co-defendant, Lori Vallow/Daybell's, case, Fremont County case CR22-20-0838 based on the following:

STATEMENT OF FACTS

The Defendant Chad Daybell was charged on June 10, 2020 with two counts of Destruction, Alteration or Concealment of Evidence, a felony in violation of Idaho Code §18-2603 and two counts of Conspiracy to Commit Destruction, Alteration or Concealment of Evidence, a felony in violation of Idaho Code §§ 18-2603 and 18-1701. The Co-Defendant, Lori Vallow/Daybell, hereinafter "Lori Daybell," was charged with two counts of Conspiracy to

Commit Destruction, Alteration or Concealment of Evidence, a felony in violation of Idaho Code §§ 18-2603 and 18-1701 on June 29, 2020. The charges in both cases are based on actions alleged to have occurred between September 8, 2019 and June 9, 2020 and involving the willful destruction, alteration and/or concealment of dead bodies to cover up the commission of a felony. Specifically, the charges relate to the discovery of Lori Daybell's minor children's bodies on her husband Chad Daybell's property and Lori Daybell's alleged conspiracy with Chad Daybell and others (including but not necessarily limited to her brother Alex Cox, now deceased) in committing those acts. A preliminary hearing was held in Chad Daybell's case on August 3-4, 2020. At the conclusion of the preliminary hearing Chad Daybell was bound over to answer to the District Court. Lori Daybell waived her preliminary hearing which was scheduled to be heard August 10-11, 2020.

ARGUMENT

Idaho Rule of Criminal Procedure 8(b) states: "Joinder of Defendants. Two or more defendants may be charged on the same complaint, indictment or information if they are alleged to have participated in the same act or transaction or in the se of acts or transactions constituting an offense or offenses. The defendants may be charged in one or more counts together or separately and all of the defendants need not be charged in each count." Further, Idaho Rule of Criminal Procedure 13 provides: "The court may order that two or more complaints, indictments or informations be tried together if the offenses, and the defendants if there is more than one, could have been joined in a single complaint, indictment or information. The procedure is the same as if the prosecution were under a single complaint, indictment or information."

The Federal Rule of Criminal Procedure 8(b) is essentially the same as the I.R.C.P. 8(b): "The indictment or information may charge 2 or more defendants if they are alleged to have participated in the same act or transaction, or in the same series of acts or transactions, constitution an offense or offenses. The defendants may be charged in one or more counts together or separately. All defendants need not be charged in each count."

In *Zafiro v. U.S.*, the U.S. Supreme Court provides, "joint trials 'play a vital role in the criminal justice system.' They promote efficiency and 'serve the interests of justice by avoiding the scandal and inequity of inconsistent verdicts.' For these reasons, we repeatedly have approved

