

**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

FINDINGS REGARDING IN PERSON
HEARINGS

The April 22, 2020, Idaho Supreme Court Order in Re: Emergency Reduction in Court Services and Limitation of Access to Court Facilities states that all court proceedings are to be held remotely via teleconferencing or video conferencing. Additionally, the order states that “a presiding judge may, in the exercise of discretion and after making findings on the record, determine that a proceeding must be held in person because of the court’s needs or to prevent undue prejudice to a party.”

Pursuant to this Order, the Court, in the exercise of its discretion, makes the following findings regarding the Defendant’s Motion to Dismiss, scheduled on October 29, 2020, and the Defendant’s Motion for Change of Venue, scheduled on November 24, 2020:

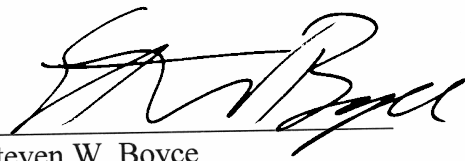
1. For both of the aforementioned hearings, the Court anticipates that the parties will refer to or present extensive and voluminous evidence. The preliminary hearing in this case was a multiple day hearing with several witnesses, and a considerable amount of evidence was presented to the Court. The Motion to Dismiss will likely reference much of that evidence, and the Court concludes that in order to effectively manage the hearing and prevent any possible undue prejudice to either party an in person hearing is necessary.

2. Regarding the Motion to Change Venue, the Court has been advised by counsel that a substantial volume of exhibits will be offered and/or admitted at the hearing. The Court concludes that in order to effectively manage that hearing and prevent any possible undue prejudice to either party an in person hearing is necessary.
3. The courtroom where the hearing will take place is large enough to provide for the required social distancing for those whose attendance is required or permitted.
4. Protective plexiglass has been installed along the bench and witness stand to protect the health of hearing participants, and all other safety precautions required by the April 22, 2020, Idaho Supreme Court Order will be implemented.
5. The Order Governing Courtroom Conduct dated June 19, 2020, and the Administrative Order Governing Courthouse Conduct dated June 19, 2020 will further be in effect for each hearing, providing further safety and public access measures.

Accordingly, the hearings on Defendant's Motion to Dismiss and Motion for Joinder will be held in person.

Dated this ____ day of September, 2020.

Signed: 9/24/2020 04:59 PM


Steven W. Boyce
District Judge



CERTIFICATE OF SERVICE

Signed: 9/24/2020 05:00 PM

I hereby certify that on this ____ day of September, 2020, 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; by causing the same to be hand-delivered, by facsimile, or by e-mail.

Parties Served:

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Clerk of the District Court
Fremont County, Idaho

by



Deputy Clerk