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**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,

v.

CHAD GUY DAYBELL, and,
LORI NORENE DAYBELL,

Defendant.

Case No.: CR22-20-0755

Case No.: CR22-20-0838

MOTION IN LIMINE

The State of Idaho, acting through the Madison County Prosecutor's office as a Special Prosecutor in the above captioned case, hereby moves this Court for an Order excluding the Defendant's witness, Columbo Investigations/Joe Adriany from testifying at the hearing on the Defendant's Motion to Change Venue about the results of his "survey" and excluding the "survey" created by Mr. Adriany on the following grounds:

1. On December 21, 2020, and December 22, 2020, Mr. Adriany conducted surveys of residents in Fremont, Madison, and Bonneville Counties in regards to the above captioned case.
2. On March 1, 2021, the Defendant disclosed Mr. Adriany as a witness and provided a "survey" conducted by Mr. Adriany. Mr. Adriany was not designated as an expert in the Defendant's disclosure.

3. The Defendant has provided Mr. Adriany's CV. However, while Mr. Adriany's CV lists extensive law enforcement experience, nothing in Mr. Adriany's listed training or experience establishes that he has the knowledge, skill, training, or education to conduct an accurate and unbiased poll or survey and present those findings to the Court as required by Idaho Rule of Evidence 702.
4. The survey conducted by Mr. Adriany is deficient and irrelevant as it limits its questioning to simply ask respondents if they are familiar with the Defendants and whether or not they are guilty. No questions were asked about whether a respondent could set aside their opinions and biases. No questions were asked about whether respondents believed in the principle of innocent until proven guilty. No questions were asked about whether the respondents believed the accused are entitled to a fair trial.
5. The failure to disclose Mr. Adriany as an expert and the fact that nothing in his CV establishes that he has the knowledge, skill, training, or education to conduct an accurate and unbiased survey establishes that Mr. Adriany can, at most, be a lay witness in regards to a survey or poll. Nothing in Idaho Rule of Evidence 701 allows a lay witness to conduct polling or surveys and present that evidence to the Court. Mr. Adriany's testimony regarding the survey he performed and the survey itself should be excluded from the Defendant's Motion to Change Venue or Trial Setting.

RESPECTFULLY SUBMITTED this 2nd day of March 2021



Rob H. Wood
Special Prosecuting Attorney for Fremont County

CERTIFICATE

I HEREBY CERTIFY that on this 2 day of March, 2021, that a copy of the foregoing MOTION IN LIMINE was served as follows:

John Prior
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U.S. Mail
Hand Delivered
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Mark Means
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By: John L THURBER