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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 Andrea Tracy Schaat from testifying at the hearing on the Defendant's Motion to Change Venue about the results of her "survey" and excluding the "survey" created by Ms. Schaat on the following grounds:

1. On two occasions, Ms. Schaat conducted "informal" surveys of residents in Fremont, Madison, and Bonneville Counties in regards to the above captioned case.
2. The Defendant has provided no C.V. or other evidence that Ms. Schaat 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.

3. Due to Ms. Schaat's lack of knowledge, skill, training, or education, the "informal survey" she created was biased, irrelevant and has no evidentiary value to the Court. Further, the Defendant has refused to provide the State with any materials upon which Ms. Schaat relied to perform her "informal survey."
4. Until March 1, 2021, the Defendant had refused to provide Ms. Schaat's name to the State, though it was previously requested in Discovery on December 9, 2020. Further, the State had requested the names of any expert witnesses the Defense intended to call on August 17, 2020.
5. On March 1, 2021, the Defendant declared in a Response to Discovery that Ms. Schaat was not an "expert witness" but rather a lay witness whose purpose at a hearing will be to lay foundation for the informal survey she conducted.
6. Nothing in Idaho Rule of Evidence 701 allows an unqualified lay person to conduct a scientific study for which they have no qualifications such as knowledge, skill, training, or education and then present that study to the Court.
7. Having Ms. Schaat perform an "informal" or non-scientific poll for which she was not qualified, and then attempting to label her a "lay witness" is simply an attempt to circumvent the Rules of Evidence and present otherwise inadmissible evidence before the Court.

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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By: Joel L THURBER