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Attorney for Defendant

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

THE STATE OF IDAHO,	)	CASE NO. CR22-21-1623
	)	
Plaintiff,	)	
	)	
-vs-	)	<b>OBJECTION TO IRE 404(b)</b>
	)	
	)	
CHAD GUY DAYBELL,	)	
	)	
Defendant.	)	
	)	
_____	)	

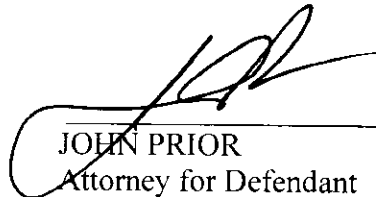
COMES NOW, The Defendant, by and through his attorney, JOHN PRIOR, and hereby objects to the introduction of all requested evidence by the State pursuant to IRE 404(b). The request by the State is not timely. The court must first conduct an evidentiary hearing as it relates to such evidence. That defense asserts that any balancing test would result in introduction being prejudicial and less probative. Further that the admission of the evidence violates the Confrontation Clause

The Sixth Amendment’s Confrontation Clause provides that “[i]n all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against

him.” U.S. Const. Amend VI, cited in *Crawford v. Washington*, 541 U.S. 36, 42, 124 S.Ct. 1354, 187 (2004). Testimonial statements from witnesses absent from trial are only admissible if the declarant is unavailable and where the defendant had a prior opportunity to cross-examine the witness. *Crawford*, 541 U.S. at 59, 124 S.Ct at 1369.

WHEREFORE, Defendant respectfully requests that this Honorable Court deny the states motion re 404(b) evidence.

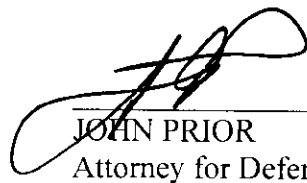
DATED this 15<sup>th</sup> day of February 2023.

  
JOHN PRIOR  
Attorney for Defendant

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was delivered to the FREMONT COUNTY PROSECUTING ATTORNEY’S OFFICE, by efileing and service to prosecutor@co.fremont.id.us on this date.

DATED this 16<sup>th</sup> day of February 2023.

  
JOHN PRIOR  
Attorney for Defendant