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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,

Defendant.

Case No.: CR22-21-1623

**SUPPLEMENT AND DISCLOSURE
FOR THE STATE'S MOTION FOR
THE COURT TO ALLOW
ADDITIONAL EVIDENCE & FOLLOW
IDAHO CODE §19-1816 BY
TRANSPORTING A JURY**

The State of Idaho, by and through the Fremont County Prosecutor's Office in the matters pending against Chad Daybell and Lori Vallow Daybell, discloses witnesses, proposed exhibits and supplements its request to reconsider a change of venue and/or to transport the jury. Such disclosure and request are made under Idaho Code §19-1816 as follows:

WITNESSES

The State intends to call the following individuals at the hearing on the State's Motion for Additional Evidence on Venue and for the Court to follow Idaho Code §19-1816:

Sheriff Len Humphries (Exhibits 1 and 2 attached)

Fremont County Clerk Abbie Mace

Chief Thurman -- Rexburg Police Department (Exhibits 3 attached)

Ada County - Jury Commissioner Randy Rutland

CHANGE OF VENUE - OTHER COUNTIES

The State reached out to other county prosecutors to see if there is a standard practice for conducting the trial and related proceedings when a change of venue is granted. No clear pattern exists as to the mechanics of how a county court system in Idaho should administer a change of venue. However, all counties who responded indicated that tasks or responsibilities of the litigation lay with the county of origin – either by way of financial reimbursement to the new venue, handling the case after the jury is transported back to the original location or by completing the trial tasks or work necessary in the new venue.

The State received information about practices for an additional seven counties: Clearwater, Latah, Nez Perce, Idaho, Custer, Jefferson and Twin Falls. There is no standard practice (model for) in how venue changes were handled. In some counties the change of venue was complete (jury selection and trial in new location) with the costs taxed to the county of origin. In other counties, the selected jury was transported back to the county of origin. Multiple counties had the trial in the new venue but staffed by personnel from the county of origin with the jury costs taxed to the county of origin.

NO PREJUDICE TO THE DEFENDANT IS OCCASIONED BY TRANSPORTING A JURY

Idaho Code §19-1816 provides the Court the opportunity to balance a Defendant's right to an impartial panel of their peers with the public's right to seek justice in the most efficient and economical manner. The State has reviewed applicable cases and to date has not found a single situation where the Court's application of Idaho Code §19-1816, with jury selection in a new venue but trial in the county where the crimes occurred, was reversed due to the transportation of a jury. The economic benefits to the people of Fremont and Madison County outweigh any benefits for trying the above-referenced matter in a single case in Ada County. Indeed, the State will be unduly burdened and unfairly prejudiced if Idaho Code §19-1816 is not applied. Caselaw

provides no evidence that a criminal defendant's right to a fair trial by an impartial panel of the peers encompasses the right to try a case in a particular courthouse or courtroom. Indeed, Idaho Code §19-1816 clearly demonstrates the ability of the Court to meet the needs of both parties and consider judicial economy and the cost and other burdens on the originating county in reaching such a decision.

CONCLUSION

Therefore, for the reasons outlined herein, the State requests this reconsider this Court's decision to allow a jury to be impaneled from another county and transported to Fremont County for trial pursuant to I.C. §19-1816.

RESPECTFULLY DATED this 17th day of February, 2022

/s/ Lindsey A. Blake

Lindsey A. Blake
Fremont County Prosecuting Attorney

/s/ Rob H. Wood

Rob H. Wood
Madison County Prosecuting Attorney

CERTIFICATE

I HEREBY CERTIFY that on this 17th day of February, 2022, that a copy of the foregoing Supplement and Disclosure was served as follows:

John Prior
john@jpriorlaw.com

- Overnight Mail
- Hand Delivered
- Courthouse Box
- Facsimile:
- File & serve
- Email

Jim Archibald
jimarchibald@gmail.com

- Overnight Mail
- Hand Delivered
- Courthouse Box
- Facsimile:
- File & serve
- Email

By: Jodi L. Thurber

Item	January	February	March**	Fixed cost		Totals by item		Totals
Sheriff lodging for court/transport personnel*	60000	60000	30000			150000		
Parking costs				1500		1500		
Fuel costs				3730		3730		
Meals/food -	20,720	20,720	10360			51800		
Overtime	21000	21000	10500			52500		
Added Jail costs due to change of venue Chad Daybell	1705	1540	1705			4950		
Added Jail costs due to change of venue Lori Daybell	1705	1540	1705			4950		
Total Cost - Monthly expenses	105130	104800	54270					264200
Fixed costs totals								5230
Total of Sheriff's Added Costs due to Ada change of venue for trial								269430
* does not include additional staff that will need to be hired in Ada Co								
** only 10 week trial = half of March								

Item	January	Total
Sheriff lodging for court/transport personnel	30000	
Parking costs 2 week jury selection	300	
Fuel costs - 2 week jury selection	744	
Meals/food - 2 weeks	10360	
Overtime -- 2 weeks	10500	
Added Jail costs due to change of venue Chad Daybell 2 weeks	770	
Added Jail costs due to change of venue Lori Daybell 2 weeks	770	
Total Costs to Fremont Co. Sheriff for jury selection in Ada Co.		53444

**FREMONT COUNTY SHERIFF'S COSTS -
CHANGE OF VENUE TO ADA CO.:
DAYBELL TRIAL**



Sheriff
Humphries



