

**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

ORDER

On February 23, 2023, the Court called for hearing Defendant Chad Guy Daybell's SECOND RENEWED MOTION TO SEVER. The State objects to a severance of joint trials for Fremont County Case Nos. CR22-21-1623 and CR22-21-1624. For the reasons stated on the record during a hearing on March 2, 2023, Daybell's motion to sever Fremont County Case No. CR22-21-1623 from a joint trial with CR22-21-1624 is GRANTED.

In so doing, the Court relied on a standard of review as set forth in *State v Fox*, 170 Idaho 846, 517 P.3d 107 (2022):

Idaho Criminal Rule 14 provides a backstop to prevent joining charges in a manner that may unfairly prejudice a defendant. *See State v. Wilske*, 158 Idaho 643, 644–45, 350 P.3d 344, 345–46 (Ct. App. 2015) (citing *State v. Field*, 144 Idaho 559, 564–65, 165 P.3d 273, 278–79 (2007)) (explaining that a “defendant may obtain relief from the joinder pursuant to Idaho Criminal Rule 14, by showing that joinder will result in unfair prejudice.”). Thus, our holding is not at odds with a purpose of providing a “just determination of every criminal proceeding” because defendants have adequate procedural safeguards to prevent the prejudicial joinder of charges against them.

State v. Fox, 170 Idaho 846, 517 P.3d 107, 117–18 (2022).

Furthermore:

To justify severance of trials previously found properly joined, a court should consider three potential sources of prejudice in analyzing whether joinder is

prejudicial:

(1) the jury may confuse and cumulate the evidence, and convict the defendant of one or both crimes when it would not convict him of either if it could keep the evidence properly segregated; (2) the defendant may be confounded in presenting defenses, as where he desires to assert his privilege against self-incrimination with respect to one crime but not the other; or (3) the jury may conclude that the defendant is guilty of one crime and then find him guilty of the other because of his criminal disposition.

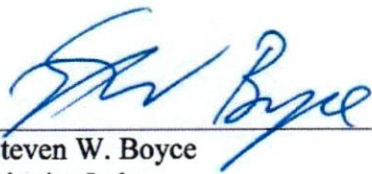
Nava, 166 Idaho at 893, 465 P.3d at 1132 (citation omitted).

State v. Fox, 170 Idaho 846, 517 P.3d 107, 119–20 (2022).

Based on the granting of a severance to provide additional time for evidentiary testing, Defendant Chad Guy Daybell's April 3, 2023 jury trial is vacated and will be rescheduled at a future hearing.

IT IS SO ORDERED.

Dated this 3 day of March, 2023.


Steven W. Boyce
District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 3 day of March, 2023, the foregoing Order was entered and a true and correct copy was served upon the parties listed below by mailing, with the correct postage thereon, or by causing the same to be delivered to their courthouse boxes; by causing the same to be hand-delivered, by facsimile, or by e-mail.

Parties Served:

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