

**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

**MEMORANDUM DECISION and
ORDER**

Pending before the Court is the State's Motion to reconsider this Court's decision to transfer trial in this matter from Fremont County, Idaho, to Ada County, Idaho. The Court held a hearing on April 19, 2022, and finding the matter fully briefed and argued, orders now as follows.

I. PROCEDURAL BACKGROUND

The Defendant filed a Motion to Change Venue on July 21, 2021. The State opposed the motion. On October 10, 2021, the Court granted the Motion to Change Venue, but as distinguished from a true change of venue, the order of the Court has the effect of granting a transfer of trial, with the remainder of the case proceedings to continue in Fremont County. The Idaho Supreme Court entered an Order on October 21, 2021, affirming the order of this Court to transfer trial to Ada County "for purposes of trial only."

On November 3, 2021, the State filed a motion asking the Court to allow the State to present additional evidence on the issue of transporting a jury from Ada County to Fremont County. Specifically, the State argued that the cost of transporting a jury from Ada County to Fremont County will be substantially less than the cost of conducting the trial in Ada County. On November 8, 2021, Daybell opposed the motion, arguing the State's motion is an unwarranted motion for reconsideration. During a status conference on March 17, 2021, the State asked for a continuance

