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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,	)	Case No.: CR22-21-1623
	)	
Plaintiff,	)	
	)	
v.	)	REPLY AND OBJECTION TO THE
	)	STATE'S MOTIONS TO SEAL FILINGS
	)	REGARDING THE PROSECUTORIAL
CHAD DAYBELL,	)	AUTHORITY OF MS. SMITH AND MR.
	)	WOOD IN THIS CASE
Defendant.	)	
	)	

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COMES NOW the Defendant, Chad Daybell, and through undersigned counsel, submits this Reply and Objection to the State's motions to seal the prosecution's filings that address the prosecutorial *authority* of Ms. Smith and Mr. Wood. On May 12, 2022, the prosecution moved to seal the State's Objection and Motion to Strike, filed in response to three of Mr. Daybell's motions that were themselves filed under seal. In support of the May 12 motion to seal, the prosecution asserted that "[t]he State's Objection and Defendant Daybell's Motions contain information that is highly personal in nature and outweighs the preference of public disclosure and is in response to sealed motions." On May 18, 2022, the prosecution moved to seal State's Objections and Brief in Response to Defendant Chad Daybell's Two Motions on APA Smith: Motion for Discovery and

to Dismiss and Objection.<sup>1</sup> The prosecution explained that it was doing so pursuant to the Court's previous order sealing Mr. Daybell's related motions. No further reasons were cited.

Mr. Daybell objects to sealing the two filings. Pursuant to Idaho Court Administrative Rule 32, Mr. Daybell's right to fair and open trial proceedings and his fundamental due process rights guaranteed by both the U.S. and Idaho Constitutions, *see* U.S. Const. amend. I, VI, XIV; Idaho Const. Art. 1, §§ 9, 13, as well as the authorities cited below, Mr. Daybell requests that the Court deny the State's Motion to Seal. Because the two filings at issue discuss only information that is already available to the public, there is no reason for these filings to be sealed. Therefore, Mr. Daybell respectfully requests that the Court deny the prosecution's motions to seal.

## ARGUMENT

### **I. The Filings at Issue Do Not Discuss or Disclose Information that Justifies an Order to Seal.**

Motions to seal are evaluated under Idaho Court Administrative Rule 32. When a motion to seal has been filed, the "court shall hold a hearing on the motion," and may also "order that the record immediately be redacted or sealed pending the hearing if the court finds that doing so may be necessary to prevent harm to any person or persons." *See* ICAR 32(i)(1). Following a hearing on the matter, "the court shall determine and make a finding of fact as to whether the interest in privacy or public disclosure predominates." *Id.* Given the public's "right to access the judicial department's declarations of law and public policy, and to access the records of all proceedings open to the public," ICAR 32(a), if a court finds that it is necessary to redact or seal a filing, the

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<sup>1</sup> As part of the same May 18 motion, the prosecution also moved to seal Brief in Response to Defendant's Motion to Disqualify Prosecutor. Because that responsive filing discloses information that was not discussed in Mr. Daybell's motions, he does not address that motion here. Mr. Daybell does not hereby waive his objection to that separation motion to seal. But in this Reply and Objection, Mr. Daybell focuses only on the prosecution's filings regarding the Ms. Smith and Mr. Wood's prosecutorial *authority*.









