

Lori A.G. Hellis  
541.419.6647  
104 E. Fairview Avenue, #381  
Meridian, ID 83642-1733  
Lori.hellis@gmail.com

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

**IN THE MATTER OF**

State v. Chad Guy Daybell

Case Number CR22-21-1623

**MOTION OF NON-PARTY MOVANT  
TO UNSEAL DOCUMENTS AND  
TRANSCRIPTS OR RECORDINGS OF  
PAST HEARINGS**

**HEARING REQUESTED**

---

**COMES** NON- PARTY MOVANT, Lori Hellis, and asserts:

1. Lori Hellis, Non-Party Movant is a member of both the public and the media. Pursuant to ICAR 32, she holds the status of “any person,” and therefore has standing in this matter.
2. Pursuant to ICAR 32 the court in this matter has improperly sealed many documents.
3. The court in this matter has improperly sealed many proceedings and has improperly conducted hearings “under seal.”
4. The court has rejected the Non-Party Movant’s previous motion to unseal documents and records of proceedings.

5. The Non-Party Movant relies on the following: ICAR 32; Idaho Code §74-101et.seq.
6. The Non-Party Movant's motion includes *all sealed documents or records of proceedings* including but not limited to the following. To the extent that the documents include Protected Information as identified by IRCP 16(d)(1) and ICAR 32(g), that information should be redacted before the documents are unsealed and released.

<u>Date</u>	<u>Title</u>	<u>Additional Information</u>
6/23/21	Scheduling Conference	To the extent any of this hearing was held outside of the view of the public, in a judicial sidebar, or in a video conference breakout room, that portion of the record of the hearing should be unsealed.
7/15/21	Ex Parte Motion For Protective Order Pursuant to IRCP Rule 16	To the extent that the motion is to redact Protected Information pursuant to IRCP 16(d)(1), any protected information should remain redacted before this document is unsealed.
7/15/21	Declaration in Support of Ex Parte Motion for Protective Order Pursuant to IRCP Rule 16	To the extent that the motion is to redact Protected Information pursuant to IRCP 16(d)(1), any protected information should remain redacted before this document is unsealed.
7/15/21	Order for Protective Order Pursuant to IRCP 16	To the extent that the order is to redact Protected Information pursuant to IRCP 16(d)(1), any protected information should remain redacted before this document is unsealed.
7/15/21	Ex Parte Motion to Seal Ex Parte Motion for Protection Order Pursuant to IRCP Rule 16 and Declaration in Support of ExParte Motion.	To the extent that the motion is to redact Protected Information pursuant to IRCP 16(d)(1), any protected information should remain redacted before this document is unsealed.
7/15/21	Order Sealing ExParte Motion for a Protective Order and Declaration in Support of ExParte Motion	To the extent that this order is to redact Protected Information pursuant to IRCP 16(d)(1), any protected information should remain redacted before this document is unsealed.

7/26/21	Objection to Protective Order – Under Seal	It is unclear under what authority this document is submitted under seal. The Document appears to be a response to 7/15/21 Motion for Protective Order and appears to rely on the Order for Protective Order Under Seal. To the extent that the motion is to redact Protected Information pursuant to IRCP 16(d)(1), any protected information should remain redacted before this document is unsealed.
7/26/21	Request for Discovery Under Seal	To the extent that the motion contains Protected Information pursuant to IRCP 16(d)(1), any protected information should remain redacted before this document is unsealed. If the information contained in this document contains information exempt from disclosure pursuant to ICAR 32 (g) that information should be redacted.
7/26/21	Motion to Oppose Use and Motion to Preserve Fingerprint Samples - Under Seal	To the extent that the motion contains Protected Information pursuant to IRCP 16(d)(1), any protected information should remain redacted before this document is unsealed. If the information contained in this document contains information exempt from disclosure pursuant to ICAR 32 (g) that information should be redacted and the document unsealed.
7/27/21	Motion to Seal State’s Motion and Memorandum Objecting to Counsel’s Entry of Appearance and a Finding of Conflict.	If the document contains Protected Information as defined by IRCP (16)(d)(1) it should be redacted and the document unsealed.
7/27/21	Order Sealing State’s Motion and Memorandum Objecting to the Entry of Appearance of Counsel and for a Finding of Conflict	There is no indication that the documents relating to the Motion to Seal the state’s motion and memorandum fall within any exception or would interfere with the defendant’s right to a fair trial.
7/21/21	Motion and Memorandum Objecting to Counsel’s Entry of Appearance and for a Finding of Conflict.	It is probable that these documents contain information referring to the court’s earlier conflict determination in case CR22-20-0755, they should be released. There is no

		indication that they fall within any exception to ICAR 32 or would interfere with the defendant's right to a fair trial.
8/6/21	Order	There is no way to know the purpose of this order and it is unclear from the record whether the document is sealed.
8/20/21	Objection to State's Motion re Waiver of Conflict – Under Seal	There is no indication that these documents fall within any exception or would interfere with the defendant's right to a fair trial. There does not appear to be a motion or order to seal the document, only that it was submitted "under seal."
8/25/21	Motion for Intervention (under seal)	There does not appear to be a motion or order to seal the document, only that it was submitted "under seal."
8/26/21	Order to Close Hearing and Seal Record	There is no indication that these documents fall within any exception or would interfere with the defendant's right to a fair trial.
8/27/21	Response to Motion to Intervene	While the court record does not indicate this document was sealed, it is in response to a sealed motion. If any portion was sealed it should be unsealed.
8/30/21	Motion Hearing	To the extent any of this hearing was held outside of the view of the public, in a judicial sidebar, or in a video conference breakout room, that portion of the record of the hearing should be unsealed.
9/08/2021	Motion Hearing	To the extent any of this hearing was held outside of the view of the public, in a judicial sidebar, or in a video conference breakout room, that portion of the record of the hearing should be unsealed.
9/15/21	Motion to Seal	It is unclear from the court's case information what this and subsequent motions pertain to. There is no indication that these documents fall within any exception or would interfere with the defendant's right to a fair trial.
9/15/21	Motion to Remove Protective Order	It is unclear from the court's case information what this and subsequent

		motions pertain to. There is no indication that these documents fall within any exception or would interfere with the defendant's right to a fair trial.
9/15/21	Motion to Seal	It is unclear from the court's case information what this and subsequent motions pertain to. There is no indication that these documents fall within any exception or would interfere with the defendant's right to a fair trial.
9/15/21	Order to Close Hearing and Seal Record	It is unclear from the court's case information what this order pertains to. There is no indication that these documents fall within any exception or would interfere with the defendant's right to a fair trial.
9/17/21	Response to Motion to Oppose	It is unclear from the court's case information what this and subsequent motions pertain to. There is no indication that these documents fall within any exception or would interfere with the defendant's right to a fair trial.
9/20/21	Motion Hearing	To the extent any of this hearing was held outside of the view of the public, in a judicial sidebar, or in a video conference breakout room, that portion of the record of the hearing should be unsealed.
9/20/21	Order to Seal Records	It is unclear from the court's case information which records this order pertains to. There is no finding that these documents fall within any exception or would interfere with the defendant's right to a fair trial.
9/20/21	Order on Sealed Motion to Intervene	It is unclear from the court's case information what this order pertains to. There is no indication that the motion falls within any exception or would interfere with the defendant's right to a fair trial.
9/22/21	Motion Hearing	To the extent any of this hearing was held outside of the view of the public, in a judicial sidebar, or in a video conference

		breakout room, that portion of the record of the hearing should be unsealed.
9/30/21	Status Conference	To the extent any of this hearing was held outside of the view of the public, in a judicial sidebar, or in a video conference breakout room, that portion of the record of the hearing should be unsealed.
9/30/21	Motion to Seal Hearing on Change of Venue	There is no indication that this hearing falls within any exception or would interfere with the defendant's right to a fair trial.
10/5/21	Motion Hearing	To the extent any of this hearing was held outside of the view of the public, in a judicial sidebar, or in a video conference breakout room, that portion of the record of the hearing should be unsealed.
10/5/21	Order to Close a Portion of the Hearings and Seal Record and Exhibits	There was no hearing on this issue and no written findings that this hearing falls within any exception or would interfere with the defendant's right to a fair trial. To the extent any of this hearing was held outside of the view of the public in a video conference breakout room, that portion of the record of the hearing should be unsealed.
10/8/21	Memorandum on Defendant's Motion to Change Venue	To the extent that any portion of this decision has been sealed it should be unsealed.
10/21/21	Order	There is no indication from the court record what this order is for or whether it is sealed. If it is sealed it should be unsealed.
12/2/21	Motion Hearing	To the extent any of this hearing was held outside of the view of the public, in a judicial sidebar, or in a video conference breakout room, that portion of the record of the hearing should be unsealed.
12/2/21	Scheduling Conference	To the extent any of this hearing was held outside of the view of the public, in a judicial sidebar, or in a video conference breakout room, that portion of the record of the hearing should be unsealed.

12/8/21	Order to Close a Portion of the Hearing and Seal Record.	There was no hearing prior to this order and no written findings that this hearing falls within any exception or would interfere with the defendant's right to a fair trial. To the extent any of this hearing was held outside of the view of the public, in a judicial sidebar, or in a video conference breakout room, that portion of the record of the hearing should be unsealed.
1/27/22	Motion Hearing	To the extent any of this hearing was held outside of the view of the public, in a judicial sidebar, or in a video conference breakout room, that portion of the record of the hearing should be unsealed.
3/8/22	Order to Seal	There was no hearing prior to this order and no written findings that the sealed documents fall within any exception or would interfere with the defendant's right to a fair trial. It is unclear what this order pertains to. All documents and proceedings sealed pursuant to this order should be unsealed.
3/8/22	Motion for Disclosure	It is unclear from the record if this document was sealed. If so, it should be unsealed.
3/8/22	Motion to Disqualify Out of State Prosecuting Attorney	It is unclear from the record if this document was sealed. If so, it should be unsealed.
3/8/22	Motion to Disqualify Special Prosecutor	It is unclear from the record if this document was sealed. If so, it should be unsealed.
3/8/22	Motion to Disqualify Prosecuting Attorney	It is unclear from the record if this document was sealed. If so, it should be unsealed.
3/8/22	Motion to Dismiss Indictment	It is unclear from the record if this document was sealed. If so, it should be unsealed.
3/14/22	Motion to Seal	It is unclear what this motion pertains to. It should be unsealed.

3/14/22	Motion to Seal	It is unclear what this motion pertains to. It should be unsealed.
3/15/22	Order to Seal	It is unclear what this order pertains to. There was no hearing prior to this order and no written findings that this hearing falls within any exception or would interfere with the defendant's right to a fair trial. To the extent any of this hearing was held outside of the view of the public in a video conference breakout room, that portion of the record of the hearing should be unsealed.
3/17/22	Status Conference	To the extent any of this hearing was held outside of the view of the public in a video conference breakout room, that portion of the record of the hearing should be unsealed.
3/18/21	Motion Hearing	To the extent any of this hearing was held outside of the view of the public in a video conference breakout room, that portion of the record of the hearing should be unsealed.
3/23/22	Motion Hearing	To the extent any of this hearing was held outside of the view of the public in a video conference breakout room, that portion of the record of the hearing should be unsealed.
4/6/22	Motion to Seal	It is unclear what this motion pertains to. It should be unsealed.
4/6/22	Motion to Seal	It is unclear what this motion pertains to. It should be unsealed.
4/6/22	Objection and Response to Motion	It is unclear which motion this objection responds to. It should be unsealed.
4/7/22	Order to Seal	It is unclear what this order pertains to. It should be unsealed. There was no hearing prior to this order and no written findings that this order falls within any exception or would interfere with the defendant's right to a fair trial. Any documents sealed by this order should be unsealed.

4/19/22	Motion Hearing	To the extent any of this hearing was held outside of the view of the public in a video conference breakout room, that portion of the record of the hearing should be unsealed.
4/20/22	Motion to Seal	It is unclear what this motion pertains to. It should be unsealed.
4/21/22	Order to Seal	It is unclear what this order pertains to. All documents sealed under this order should be unsealed. There was no hearing prior to this order and no written findings that this order falls within any exception or would interfere with the defendant's right to a fair trial.
4/28/22	Memorandum Decision and Order	There was no hearing prior to the order to seal this decision and no written findings that this order falls within any exception or would interfere with the defendant's right to a fair trial.
4/28/22	Memorandum Decision and Order	There was no hearing prior to the order to seal this decision and no written findings that this order falls within any exception or would interfere with the defendant's right to a fair trial.
5/12/22	Motion to Seal State Objection and Motion to Strike	There was no hearing prior to the order to seal this decision and no written findings that this order falls within any exception or would interfere with the defendant's right to a fair trial.
5/13/22	Objection and Motion to Strike	There was no hearing prior to the order to seal this objection and no written findings that this order falls within any exception or would interfere with the defendant's right to a fair trial.
5/13/22	Order to Seal State's Objection	There was no hearing prior to the order to seal this objection and no written findings that this order falls within any exception or would interfere with the defendant's right to a fair trial. Any documents sealed as a result of this order should be unsealed.

5/18/22	Order to Close Hearing and Seal Record	There was no hearing prior to the order to close this hearing and seal the record and no written findings that this order falls within any exception or would interfere with the defendant's right to a fair trial. Any documents sealed as a result of this order should be unsealed.
5/20/22	Motion to Seal: Supplemental Request for Discovery as to Defendant Chad Daybell's Motions to Disqualify APA Smith, Wood and/or Dismiss	There is no court document filed titled Supplemental Request for Discovery As to Defendant' Chad Daybell's Motions to Disqualify APA Smith, Wood and/or Dismiss
5/20/22	Order to Seal State's Supplemental Request for Discovery as to Defendant Chad Daybell's Motions to Disqualify APA Smith, Wood and/or Dismiss	There was no hearing prior to the order to seal this document and no written findings that this order falls within any exception or would interfere with the defendant's right to a fair trial. Any documents sealed as a result of this order should be unsealed.
5/24/22	Motion to Seal State's Objections and Briefs in Response	
5/24/22	Order to Seal State's Objections and Briefs in Response	There was no hearing prior to the order to seal this document and no written findings that this order falls within any exception or would interfere with the defendant's right to a fair trial. Any documents sealed as a result of this order should be unsealed.
5/24/22	Objection and Brief in Response to Motions on APA Smith: Motion for Discovery and to Dismiss	There was no hearing prior to the order to seal this document and no written findings that this order falls within any exception or would interfere with the defendant's right to a fair trial.
5/24/22	Objection and Brief in Support of Objection to Motion to Disqualify Prosecuting Attorney	There was no hearing prior to the order to seal this document and no written findings that this order falls within any exception or would interfere with the defendant's right to a fair trial.
5/24/22	Motion to Seal	It is unclear what this motion pertains to. It should be unsealed to determine its specific intention.

5/24/22	Order to Seal	There was no hearing prior to the order to seal this document and no written findings that this order falls within any exception or would interfere with the defendant's right to a fair trial. Any documents sealed as a result of this order should be unsealed.
5/24/22	Objection to Motion to Strike and Exhibits in Memorandum	There was no hearing prior to the order to seal this document and no written findings that this order falls within any exception or would interfere with the defendant's right to a fair trial.
5/24/22	Reply to States Objection and Motion to Strike	There was no hearing prior to the order to seal this document and no written findings that this order falls within any exception or would interfere with the defendant's right to a fair trial.
5/24/22	Motion to Unseal 3 Motions Regarding Prosecutorial Authority	There was no hearing prior to the order to seal this document and no written findings that this order falls within any exception or would interfere with the defendant's right to a fair trial.
5/24/22	Reply and Objection to the Motions to Seal Filings Regarding the Prosecutorial Authority	There was no hearing prior to the order to seal this document and no written findings that this order falls within any exception or would interfere with the defendant's right to a fair trial.
5/25/22	Motion Hearing	To the extent any of this hearing was held outside of the view of the public in a video conference breakout room, that portion of the record of the hearing should be unsealed.
5/25/22	Order to Close Hearing and Seal Record	There was no hearing prior to the order to seal this hearing and its record and no written findings that this order falls within any exception or that unsealing would interfere with the defendant's right to a fair trial. Any documents sealed as a result of this order should be unsealed.
5/25/22	Motion to Seal	There was no hearing prior to the order to seal and no written findings that this order

		falls within any exception or that unsealing would interfere with the defendant's right to a fair trial.
5/25/22	Order to Seal	There was no hearing prior to the order to seal and no written findings that this order falls within any exception or that unsealing would interfere with the defendant's right to a fair trial. Any documents sealed as a result of this order should be unsealed.
5/25/22	Reply to State's Objection and Brief in Response to Defendant's Two Motions on Ms. Rachel Smith	There was no hearing prior to the order to seal and no written findings that this order falls within any exception or that unsealing would interfere with the defendant's right to a fair trial.
6/1/22	Motion to Seal	There was no hearing prior to the order to seal and no written findings that this order falls within any exception or that unsealing would interfere with the defendant's right to a fair trial.
6/1/22	Order to Seal	There was no hearing prior to the order to seal and no written findings that this order falls within any exception or that unsealing would interfere with the defendant's right to a fair trial. Any documents sealed as a result of this order should be unsealed.
6/1/22	Motion to Deny Motions Without a Hearing Due to Failure to Comply with ICR 12	There was no hearing prior to the order to seal and no written findings that this order falls within any exception or that unsealing would interfere with the defendant's right to a fair trial.
6/1/22	Motion to Seal	There was no hearing prior to the order to seal and no written findings that this order falls within any exception or that unsealing would interfere with the defendant's right to a fair trial.
6/1/22	Order to Seal	There was no hearing prior to the order to seal and no written findings that this order falls within any exception or that unsealing would interfere with the defendant's right to

		a fair trial. Any documents sealed as a result of this order should be unsealed.
6/8/22	Motion Hearing	To the extent any of this hearing was held outside of the view of the public in a video conference breakout room, that portion of the record of the hearing should be unsealed.
6/8/22	Order on State's Motion to Deny Motions Without a Hearing Due to Failure to Comply with ICR 12	There was no hearing prior to the order to seal and no written findings that this order falls within any exception or that unsealing would interfere with the defendant's right to a fair trial.
6/8/22	Motion Hearing	To the extent any of this hearing was held outside of the view of the public in a video conference breakout room, that portion of the record of the hearing should be unsealed.
6/15/21	Motion Hearing	To the extent any of this hearing was held outside of the view of the public in a video conference breakout room, that portion of the record of the hearing should be unsealed.
7/6/22	Order	There is no indication in the court record as to the substance of this order of the court. The document should be unsealed.
7/6/22	Order	There is no indication in the court record as to the substance of this order of the court. The document should be unsealed.
7/6/22	Order	There is no indication in the court record as to the substance of this order of the court. The document should be unsealed.
7/6/22	Decision or Opinion and Order	There was no hearing prior to the order to seal and no written findings that this decision and order falls within any exception or that unsealing would interfere with the defendant's right to a fair trial.
7/6/22	Decision or Opinion and Order	There was no hearing prior to the order to seal and no written findings that this decision and order falls within any

		exception or that unsealing would interfere with the defendant's right to a fair trial.
7/125/22	Motion to Seal	It is unclear what this motion pertains to. It should be unsealed to determine its specific intention.
7/25/22	Order to Seal	There was no hearing prior to this order to seal and no written findings that this order falls within any exception or would interfere with the defendant's right to a fair trial.
7/25	Motion Requesting Permission to Appeal Court's Orders	There was no hearing prior to the order to seal this objection and no written findings that this order falls within any exception or would interfere with the defendant's right to a fair trial.
8/16/21	Motion Hearing	To the extent any of this hearing was held outside of the view of the public in a video conference breakout room, that portion of the record of the hearing should be unsealed.

The Non-Moving Party therefore moves the court for the following findings and orders:

1. A finding that the Non-Party Movant is an Interested Party for the purposes of this case.
2. An order directing the court and staff to review all sealed documents and records of hearings including but not limited to the list above, to redact any protected information as defined by ICRP(16)(d)(1) and any information protected by ICAR 32(g), and to then unseal and release all the redacted records to the Non-Party Movant and any other media outlet requesting said documents, or in the alternative, conduct a hearing to consider the Non-Moving Party's motion.
3. An order requiring all parties to file motions to seal any future document or hearing after first giving notice to all parties and any interested party.

4. An order requiring, that the court comply with ICAR 32 (G)(1-3) and hold a hearing on any future motions to seal documents or proceedings, and after a hearing, make written determinations about the need to seal any future documents or proceedings.
5. If the court and the movant are unable to resolve the conflict regarding the release of documents, an order referring the matter to the Idaho Supreme Court Media and Courts Conflict Resolution Panel (aka Fire Brigade).

Respectfully Submitted.

August 25, 2022.

/s/

Lori A.G. Hellis  
Non-Party Movant

///

///

///

///

///

**CERTIFICATE**

I HEREBY CERTIFY that on August 25, 2022, a copy of the preceding was served as follows:

John Prior Attorney for the Defendant  
429 SW 5th Street, Ste. 110 Meridian, Idaho  
83462

john@jpriorlaw.com

- U.S. First Class Mail
- Hand Delivered
- Courthouse Box
- Facsimile:
- X File & serve
- Email

R. James Archibald, Attorney for Defendant  
1493 North 1070 East Shelly, Idaho 83274

jimarchibald21@gmail.com

- U.S. First Class Mail
- Hand Delivered
- Courthouse Box
- Facsimile:
- X File & serve
- Email

John Kenneth Thomas  
Bonneville County Public Defender's Office  
605 N. Capital Ave. Idaho Falls, Idaho  
83402

jthomasserve@co.bonneville.id.us

- U.S. First Class Mail
- Hand Delivered
- Courthouse Box  Facsimile:
- X File & serve
- Email

Rob Wood, Special Prosecutor  
rwood@co.madison.id.us

- U.S. First Class Mail
- Hand Delivered
- Courthouse Box  Facsimile:
- X File & serve
- Email

Rachel Smith, Special Prosecutor  
smithlawconsulting@outlook.com

- U.S. First Class Mail
- Hand Delivered
- Courthouse Box  Facsimile:
- X File & serve
- Email

Lindsey Blake, Fremont County Prosecutor  
prosecutor@co.fremont.id.us

- U.S. First Class Mail
- Hand Delivered
- Courthouse Box  Facsimile:
- X File & serve
- Email

/s/ Lori A.G. Hellis