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Attorneys for the State

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

<p>STATE OF IDAHO, Plaintiff, vs. CHAD GUY DAYBELL, Defendant.</p>	<p>CASE NO. CR22-21-1623</p> <p>STATE’S RESPONSE TO DEFENDANT’S MOTION FOR GRAND JURY TRANSCRIPT</p>
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The Defendant’s charges arose from grand jury proceedings conducted in May of 2021. The Defendant does not have any additional charges that have arisen from any other grand jury proceedings – including any from December of 2021. A grand jury is empaneled under a separate case number, and the filings and proceedings are not made public. Any request to access the transcripts from those proceedings would need to be presented to the District Judge overseeing the grand jury proceedings. This Court is without authority to release transcripts of proceedings not open to the public, over proceedings which this Court did not preside, and from which this Court did not receive an indictment against the Defendant.

Notwithstanding, pursuant to Idaho Criminal Rule 6.2(c), the Defendant is not entitled to a copy of the transcript from any Grand Jury Proceedings which may have taken place in December of 2021.

ICR 6.2(c) states:

Availability of Record of Grand Jury Proceedings. The district judge, by motion, must permit the following persons to listen to the record of the proceedings of the grand jury or to obtain a transcript of the proceedings in the same manner as a transcript of a preliminary:

- (1) a prosecuting attorney,
- (2) a person charged in an indictment or the attorney for the person charged, or
- (3) a person charged with perjury because of the person's testimony before the grand jury.

There has been no additional indictment or superseding indictment under which the Defendant has been charged or which is before this Court. Further, the Defendant has already been provided a copy of the transcript from the grand jury proceedings resulting in his indictment.

Grand Jury selection and proceedings are secret proceedings both under the Idaho Criminal Rules and Idaho Statutes. The secrecy of the proceedings is governed by ICR 6.3(c) which provides:

Secrecy of Proceedings and Disclosure. Every member of the grand jury must keep secret whatever was said or done in the grand jury proceedings and the vote of each grand juror on a matter before them; but a grand juror may be required by the district judge to disclose matters occurring before the grand jury which may constitute grounds for dismissal of an indictment or grounds for a challenge to a juror or the array of jurors. No other person present in a grand jury proceeding may disclose to any other person what was said or done in the proceedings, except by order of any court for good cause shown.¹

¹ See also Idaho Code §19-1112.

Wherefore, the State respectfully requests this Court deny the Defendant's Motion for Grand Jury Transcript without hearing.

Respectfully submitted this 6th day of October, 2022.

/s/Lindsey A. Blake
Lindsey A. Blake
Fremont County Prosecuting Attorney

/s/Rob H. Wood
Rob H. Wood
Madison County Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th of October, 2022, that a copy of the foregoing State's Response to Defendant's Motion for Grand Jury Transcript was served as follows:

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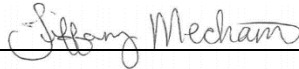
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