

Lindsey A. Blake, ISB #7920
Rob Wood, ISB #8229
OFFICE OF THE FREMONT COUNTY
PROSECUTING ATTORNEY
22 W. 1st N.
St. Anthony, ID 83445
Tel: 208-624-4418
Email: prosecutor@co.fremont.id.us

Attorney for the State of Idaho

**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

STATE'S RESPONSE TO
DEFENDANT'S MOTION TO
SEVER FROM DEATH-NOTICED
CO-DEFENDANT IN ORDER TO
ENFORCE MR. DAYBELL'S
CONSTITUTIONAL RIGHTS

The State of Idaho, by and through the Fremont County Prosecutor's Office, files the following Response to the Defendant's Motion to Sever from Death-Noticed Co-Defendant in Order to Enforce Mr. Daybell's Constitutional Rights:

The Defendant previously filed a Motion to Sever on September 7, 2021 with a memorandum in support filed on February 2, 2022, and the State filed an Objection to the Motion and Memorandum on February 24, 2022. The Court then issued an Order denying the Defendant's Motion to Sever on March 21, 2022.

The State maintains its objection to any severance of the Defendants since they are State's Response to Defendant's Motion to Sever from Death-Noticed Co-Defendant in Order to Enforce Mr. Daybell Constitutional Rights

properly joined for trial pursuant to Idaho Criminal Rule 8, this Court has found they are properly joined in his August 6, 2021 Order, and this Court has previously denied the Defendant's request to sever under the standard and requirement set in Idaho Criminal Rule 14. The Defendant makes similar arguments to those he previously argued and were denied as grounds for a severance. The Defendant raises a few new arguments which he claims are grounds for a severance, but he fails to provide any supporting authority for how they are necessary grounds which rise to a level, or are even considerations, for severing codefendants for trial.

The Defendant's Second Motion to Sever is 31 pages and contains a significant number of cases the Defendant cites as supporting his position and arguments. While the State does not believe the cited case law supports or requires the Defendant's request to sever the case(s), the State is still working on reviewing the cases in providing a more thorough brief in response to the Defendant's Motion.

Wherefore, the State requests this Court deny the Defendant's Second Motion to Sever and will submit a brief in support as soon as practical.

RESPECTFULLY SUBMITTED this 6th day of October, 2022.

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of October, 2022, that a copy of the foregoing Response was hand delivered, emailed, faxed or mailed to the following party as indicated:

John Prior
Law Office of John Prior
429 SW 5th Street, Ste. 110
Meridian, Idaho 83462
john@jpriorlaw.com


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

By: 

Tiffany Mecham