

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
CONTINUE

The State of Idaho, by and through the Fremont County Prosecutor's Office files the following Response to Defendant's Motion to Continue based on the following:¹

The Court has repeatedly held, Defendant Daybell and Defendant Vallow Daybell are properly joined for trial, and denied an earlier request from Defendant Daybell to sever the cases. As noted in those arguments, when codefendants are charged in the same indictment, and particularly with the crime of conspiracy, joint trials are preferred. *See State's Objection and Memorandum in Response to Defendant's Motion to Sever filed on February 24, 2022.* Further, "any delay attributable to one defendant is also charged to all codefendants." *United States v. Pena*, 793 F.2d 486, 489 (2d Cir. 1986). Defendant Daybell notes this analysis with regard to

¹ The Defense in Co-Defendant Vallow Daybell, in case CR22-21-1624, has similarly filed a Motion to Continue, to Toll Time Limits and to Stay.

delays and speedy trial assertions with codefendant cases. *See Defendant's Motion to Continue p. 27.* In this situation, both Defendants are seeking a delay of the trial, albeit for different reasons.

The request for a stay filed in Codefendant Vallow Daybell's case, CR22-21-1624, coincides with the request to continue by Defendant Daybell. The State recognizes a stay is necessary for Defendant Vallow Daybell based upon statutory restrictions and guidance from the Supreme Court. A temporary stay to effectuate the guidelines of the controlling statutes present a host of reasons which will cause review of the issues to take some time, making a trial date in January impractical for Defendant Vallow Daybell. A stay limits any potential appellate issues with respect to Defendant Vallow Daybell. Similarly, the State recognizes a continuance for Codefendant Daybell keeps the cases as one for trial, limits potential appellate issues regarding ineffective assistance of counsel, provides the parties with additional time to complete and review outstanding discovery on a few remaining matters, and allows more time to resolve pending pretrial motions and evidentiary issues. Given the Court's recent Order vacating the January trial date in the Codefendant's case, the State would request vacating the January trial date in Mr. Daybell's case as well. The State would oppose any improper severance.

The State would request both matters be stayed pending a Status Conference to be scheduled in January based on the following: The Court has determined the Defendants are properly joined for trial; a stay is necessary for Defendant Vallow Daybell; Defendant Daybell has previously waived speedy trial and is now requesting a continuance. Defendant Daybell has requested his case be continued with a new trial date to be selected in January. *See Defendant's Motion to Continue, pg. 4.* The State believes if both matters are temporarily stayed, it will avoid re-litigation of the same issues.² The State would request we wait to select a new trial date until both Defendants are in a position to have input in the selection of the trial date. The State would agree with Defendant Daybell's position we wait to select a new trial date in January (so long as

² Defendant Daybell recently filed a Motion to Allow Cameras in the Courtroom, even though, he waived his appearance at a hearing on this same issue in Defendant Vallow Daybell's case. The State is currently set to argue a Motion for a Bill of Particulars filed by Defendant Daybell which is practically identical to a Motion for a Bill of Particulars filed by Defendant Vallow Daybell which cannot be heard at this time. In addition, a Non-Party Movant has filed identical motions in both cases which will need to be addressed consistently as well.

both Defendants are in a position to select a trial date at that time); however, the State would suggest the Court consider setting a trial to begin in September of 2023 to allow Madison and Fremont Counties to split the costs involved in the trial and change of venue across two fiscal years.

The State believes the Court can find good cause to continue the trial date for both Defendants given the complicated statutory issues with Defendant Vallow Daybell, the joinder of these Defendants in a single indictment, the Court having vacated the trial date in the codefendant's case, Defendant Daybell's previous waiver of speedy trial, the current request by the defense for a continuance and the complexities and costs involved in moving the trial to Ada County.³

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

³ Such a request is in line with the Defendant's request for a continuance and allows the Parties and Court additional time to resolve outstanding issues regarding the venue change relating to evidence storage, witness and jury accommodations, juror questionnaires and sequestration.

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