

**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

**MEMORANDUM DECISION and
ORDER**

Before the Court is Defendant Chad Guy Daybell's MOTION TO CONTINUE TRIAL TO ENFORCE MR. DAYBELL'S CONSTITUTIONAL RIGHTS. Daybell filed the motion on September 27, 2022. On October 6, 2022, the State of Idaho filed a RESPONSE to Daybell's MOTION TO CONTINUE TRIAL. On October 13, 2022, the Court called the motion for hearing and the Parties presented argument in support of their respective positions. In addition, the Parties were provided additional time to submit further information regarding their assertions that discovery was still active in the case. The Court was thereafter advised that discovery continues relating to evidentiary issues including DNA evidence, electronic device analysis and cell phone tower data. Having fully reviewed the briefing, the record, and all relevant legal authority, the Court renders the following decision.

I. PROCEDURAL BACKGROUND

Court minutes reflect that on December 2, 2021, the Court held a Scheduling Conference in this case wherein counsel for Mr. Daybell argued for Mr. Daybell's trial to begin in October of 2022. The State of Idaho requested trial to commence late summer or fall of 2023. Ultimately, after coordinating with Ada County, where trial will be held, the Court set trial for January 9, 2023 and issued a scheduling order confirming that date.

On September 27, 2022, Daybell filed a MOTION TO CONTINUE TRIAL, arguing that a “substantial amount of trial investigation and preparation and significant amount of discovery” was still outstanding.¹ On October 6, 2022, the State filed a RESPONSE to the motion, essentially as a non-objection to a continuance and requested the Court to stay this case pending the determination of a new trial date for the Co-Defendant’s case.² On October 13, 2022, the Court heard the Parties on the motion in a hearing and took the matter under advisement. The Court now orders as follows.

II. STANDARD OF REVIEW

The decision to grant or deny a motion to continue rests within the sound discretion of the trial court:

[W]here the denial of a motion to continue is attacked on the basis of late disclosure or discovery of evidence, the alleged tardiness of the disclosure must be shown to so prejudice the defendant’s case preparation that a fair trial was denied. *State v. Fetterly*, 109 Idaho 766, 770, 710 P.2d 1202, 1206 (1985), *cert. denied*, 479 U.S. 870, 107 S.Ct. 239, 93 L.Ed.2d 164 (1986); *State v. Smoot*, 99 Idaho 855, 858–59, 590 P.2d 1001, 1004–05 (1978). To prove prejudice, a defendant must show there is a reasonable probability that, but for the late disclosure of evidence, the result of the proceedings would have been different. *See, e.g., State v. Spradlin*, 119 Idaho 1030, 1034, 812 P.2d 744, 748 (Ct. App. 1991). Further, the bare claim that additional investigation could have been conducted is not sufficient to demonstrate unfair prejudice so as to support a motion for a continuance. *Id. Tapia*, 127 Idaho at 255, 899 P.2d at 965.

State v. Ochoa, 169 Idaho 903, 916, 505 P.3d 689, 702 (2022).

III. ANALYSIS

Initially, the Court reiterates that it has denied the State’s request to enter a stay in this case, requested on the basis of a stay currently affecting the companion Case No. CR22-21-1624. Next, addressing the Defendant’s MOTION TO CONTINUE TRIAL, the Court notes that during the

¹ DEFENDANT’S MOTION TO CONTINUE [...]. p. 1. Sept. 27, 2022.

² “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 [.]” STATE’S RESPONSE TO DEFENDANT’S MOTION TO CONTINUE. p. 3. October 6, 2022.

