

**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>MEMORANDUM DECISION ON DEFENDANT’S MOTION TO CHANGE VENUE</p>
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I. STATEMENT OF THE CASE AND PROCEDURAL HISTORY

On May 24, 2021 a Fremont County Grand Jury returned an indictment charging Defendants Chad Guy Daybell and Lori Norene Vallow with multiple crimes. In Counts I and II of the Indictment, Mr. Daybell is charged with Conspiracy to Commit First Degree Murder, First Degree Murder, and Grand Theft by Deception in relation to the death of Tylee Ryan. In Counts III and IV of the Indictment, Mr. Daybell is charged with Conspiracy to Commit First Degree Murder, First Degree Murder, and Grand Theft by Deception in relation to the death of Joshua Jaxon Vallow. In Counts V and VI of the Indictment, Mr. Daybell is charged with Conspiracy to Commit First Degree Murder and First Degree Murder in relation to the death of Tamara Daybell. In Counts VIII and IX, Mr. Daybell is charged with counts of felony Insurance Fraud.

On August 5, 2021 the State filed its Notice of Intent to Seek the Death Penalty. Mr. Daybell was previously charged on June 20, 2020 in Fremont County Case No. CR 22-20-755 with multiple felonies relating to alleged alteration or destruction of evidence, in which case the underlying facts relate to the case at bar. Co-defendant Lori Norene Vallow’s case relating to the

Grand Jury Indictment is currently stayed pursuant to I.C. § 18-212. For purposes of determining this motion, the Court also considers that the Mr. Daybell and Lori Norene Vallow are married, and that subsequent to the commencement of this case, Lori Norene Vallow was indicted in another murder case in Arizona.

On July 21, 2021, Mr. Daybell (hereinafter “Defendant”) filed a “Motion to Change Venue,” citing I.C.R. 21, the United States Constitution, and Article I § 7 of the Idaho Constitution.¹ Defendant contends that “a fair and impartial jury trial cannot be had in Fremont County nor within the Seventh Judicial District of the State of Idaho.” The State filed its response in objection on September 29, 2021, arguing that a fair and impartial jury can take place in Fremont County. The matter came before the Court for a hearing on October 5, 2021, and the Court considered the testimony, admitted exhibits, and argument of counsel. For the reasons explained herein, the Motion to Change Venue is granted.

II. STANDARD OF ADJUDICATION

A defendant’s constitutional right to a fair trial and to an impartial jury are granted by the Sixth Amendment of the Constitution of the United States and Article I §§ 7 and 13 of the Idaho Constitution. I.C.R. 21(a), in discussing a transfer of trial, states: “For Prejudice. On motion of either party, the court must transfer the proceeding to another county if the court is satisfied that a fair and impartial trial cannot be had in the county where the case is pending.” I.C. § 19-1801 states: “Ground for removal. A criminal action, prosecuted by indictment, may be removed from

¹ The Court notes that I.C.R. 21 is a rule under Title V of the Criminal Rules, “Venue,” but to clarify, I.C.R. 21 relates to a transfer of trial. While caselaw and the pleadings do make reference to a “change of venue” in the context of I.C.R. 21, the actual issue of venue under I.C.R. 19 is not the subject of the Defendant’s Motion, nor is it being considered by the Court in this decision.

