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

STATE OF IDAHO,)	CASE NO. CR22-21-1623
)	
Plaintiff,)	
)	
)	OBJECTION TO STATE'S
)	MOTIOIN TO RECONSIDER
)	COURTS RULING ON JURY
vs.)	SEQUESTRATION
)	
CHAD GUY DAYBELL)	
)	
Defendant)	
_____)	

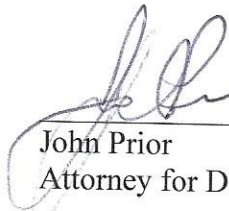
COMES NOW, John Prior, counsel for the Defendant hereby objects to the State's Motion to Reconsider Court's Ruling on Jury Sequestration. Defense asserts that contrary to the State's representation in their recent filing (Reconsider their Motion to Sequester the Jury). On or about September 29, 2021 , the State filed a motion to sequester jury. Defense objected to their motion as untimely. The Court granted the State the opportunity to present evidence on October 4, 2021. The Court allowed the hearing to proceed despite the very short notice to the Defense. The hearing was set for 2 days, and the State had a significant amount of time on the day of the hearing and the next day to present their evidence. The State chose on the 4th of October not to

present additional evidence other than what was presented on the 4th of October 2021. The Defense's recollection is that the court shortened the time for the hearing on the State's Motion to Sequester. The State sought a shortening of time to allow their hearing to be heard on that day. The Court stated that it would allow Defense to supplement the record given the State's short notice on the record. The State had ample time to present their evidence and chose not to use that opportunity to present additional evidence. After the Court ruled on the change of venue and denied the State's motion to sequester, the State is now attempting to seek a motion to reconsider the Court's ruling. The State has not presented any statutory authority that allows them to seek a motion to reconsider. Further, in a previous case in which this Court resided, the Court denied the Defendant Lori Vallow's Motion to Reconsider Disqualifying Prosecutor Woods. The Court noted that there was no statutory authority that allowed that remedy for a Motion to Reconsider.

Counsel for the Defendant Chad Guy Daybell asserts that as in the previous case, there is no statutory authority to allow the State to proceed on State's Motion to Reconsider. Further, the State has made broad assertions relating to cost to Fremont and Madison County. If the Court does allow the State to proceed on this Motion, all Defendant's should be afforded an opportunity to be advised of what the State is basing their assertions on. The Defense should not have to blindly guess what evidence the State intends to produce. The State gave little notice to the defense and filed their motion days before the hearing, The Court should not permit this motion to proceed, should not permit the defense to be sandbagged by the State and should not have to expend additional resources and to have to guess what the State intends to rely on for their unsupported Motion. Their Motion other than broad assertions not supported by any specific facts gives the Court little choice but to deny their motion. The State should not be permitted to go forward on a Motion such as this, without providing at least a modicum of proof

that supports their belief regarding costs to the respective counties and at the least what statutory legal authority even gives them the right to seek a modification of a Supreme Court Order. The Defense should not have to retain further expert's and expend additional costs when the State has failed to comply with any legal or statutory authority to proceed.

Dated this 8th day of November 2021.

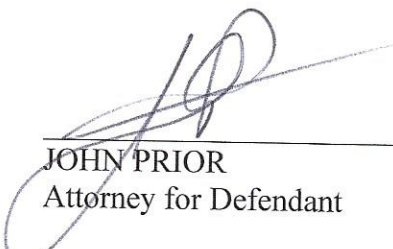


John Prior
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was delivered to the FREMONT COUNTY PROSECUTING ATTORNEY'S OFFICE, by efileing and service to prosecutor@co.fremont.id.us on this date.

DATED this 8th day of November 2021.



JOHN PRIOR
Attorney for Defendant