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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,

Plaintiff,

vs.

CHAD GUY DAYBELL,

Defendant.

CASE NO. CR22-21-1623

**STATE'S OBJECTION TO DEFENDANT
MOTION TO CONTINUE STATE'S
MOTION TO IMPANEL**

The State of Idaho, by and through the Fremont County Prosecuting Attorney's Office, respectfully submits this Objection to Defendant's Motion to Continue State's Motion to Impanel based on the following:

The Defendant misstates the State's position in his Reply to State's Request to Impanel Jurors from Another County and to Sequester the Jury. The Defendant indicates that he "respectfully requests that this Court grant the parties' joint request for change of venue..." The Parties haven't submitted a joint request for a change of venue. Both Defendants have submitted motions for change of venue, but the State has filed no such motion – nor has a stipulation been filed. The State has indicated that it would not have an objection to a partial change of venue which would entail holding the trial in Fremont County but transporting the

Objection to Defendant's Motion to Continue State's Motion to Impanel

jurors into Fremont County to hear the case. Further, this Court has indicated that even if the Parties had stipulated to a change of venue, the Defendant retains the burden, and this Court must determine if the Defendant has met his burden.

The Defendant further requests this Court, "...determine the jurisdiction to which the case should be transferred, and reset the hearing on the prosecution's request for impaneling and sequestering the jury until the prosecution has sufficiently briefed the issue and defense counsel has been permitted the time necessary to respond." The Defendant is requesting the State submit a brief on the issues addressed by the State; however, the State has provided a Response and Memorandum, whereas, the Defendant has never provided a brief on his Motion to Change Venue. Although, the Defendant has provided an eleven-page Reply which the State received today.

The Defendant asserts what evidence he believes the State must provide without any legal authority for his position. In addition, the concerns raised by the Defendant are concerns which would have to be addressed no matter where a trial was held and regardless of whether jurors were impaneled in their home county or transported to Fremont County.

The State filed a Response and Memorandum in Support of State's Response to the Defendants' Motions to Change Venue on September 29, 2021. The State has not filed a Motion to Impanel; however, this issue was addressed in the State's Response and Memorandum in Support of State's Response to Defendants' Motions to Change Venue. The State also filed a separate Motion to Sequester. This Court held a Status Conference on September 30, 2021 at which time the Defense orally addressed the request for the State's arguments and/or Motion to Sequester the Jury be heard at a later date. This request was addressed by this Court at that time. This Court indicated that the issues were related enough to

each other that it was this Court's position to hear the motions and arguments at the hearing on the Change of Venue scheduled for October 5, 2021. This Court further addressed the Defendant's concerns by providing that the Parties would be allowed additional time to submit further briefing after the hearing on October 5, 2021.

Wherefore, the State respectfully requests this Court deny Defendant's Motion to Continue State's Motion to Impanel. In the alternative, if this Court is inclined to grant the Defendant's Motion to Continue, the State would request that the hearing on Defendant's Motion to Change Venue be continued as well to be heard at the same time as the State's full argument in Response to the Motion to Change Venue and Motion to Sequester the Jury, and that a briefing schedule be issued by this Court.

Additionally, the State reserves the right to supplement this Objection with a Brief and/or Memorandum in Support.

Respectfully submitted this 4th day of October, 2021.

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th of October, 2021, that a copy of the foregoing STATE'S OBJECTION TO DEFENDANT'S MOTION TO CONTINUE STATE'S MOTION TO IMPANEL was served as follows:

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BY: 