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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,

v.

CHAD GUY DAYBELL,

Defendant.

Case No.: CR22-21-1623

**SUPPLEMENT AND DISCLOSURE  
FOR THE STATE'S MOTION FOR  
THE COURT TO ALLOW  
ADDITIONAL EVIDENCE & FOLLOW  
IDAHO CODE §19-1816 BY  
TRANSPORTING A JURY**

The State of Idaho, by and through the Fremont County Prosecutor's Office in the matters pending against Chad Daybell and Lori Vallow Daybell, discloses witnesses, proposed exhibits and supplements its request to reconsider a change of venue and/or to transport the jury. Such disclosure and request are made under Idaho Code §19-1816 as follows:

**WITNESSES**

The State intends to call the following individuals at the hearing on the State's Motion for Additional Evidence on Venue and for the Court to follow Idaho Code §19-1816:

Sheriff Len Humphries (Exhibits 1 and 2 attached)

Fremont County Clerk Abbie Mace

Chief Thurman -- Rexburg Police Department (Exhibits 3 attached)

Ada County - Jury Commissioner Randy Rutland

### CHANGE OF VENUE - OTHER COUNTIES

The State reached out to other county prosecutors to see if there is a standard practice for conducting the trial and related proceedings when a change of venue is granted. No clear pattern exists as to the mechanics of how a county court system in Idaho should administer a change of venue. However, all counties who responded indicated that tasks or responsibilities of the litigation lay with the county of origin – either by way of financial reimbursement to the new venue, handling the case after the jury is transported back to the original location or by completing the trial tasks or work necessary in the new venue.

The State received information about practices for an additional seven counties: Clearwater, Latah, Nez Perce, Idaho, Custer, Jefferson and Twin Falls. There is no standard practice (model for) in how venue changes were handled. In some counties the change of venue was complete (jury selection and trial in new location) with the costs taxed to the county of origin. In other counties, the selected jury was transported back to the county of origin. Multiple counties had the trial in the new venue but staffed by personnel from the county of origin with the jury costs taxed to the county of origin.

### NO PREJUDICE TO THE DEFENDANT IS OCCASIONED BY TRANSPORTING A JURY

Idaho Code §19-1816 provides the Court the opportunity to balance a Defendant's right to an impartial panel of their peers with the public's right to seek justice in the most efficient and economical manner. The State has reviewed applicable cases and to date has not found a single situation where the Court's application of Idaho Code §19-1816, with jury selection in a new venue but trial in the county where the crimes occurred, was reversed due to the transportation of a jury. The economic benefits to the people of Fremont and Madison County outweigh any benefits for trying the above-referenced matter in a single case in Ada County. Indeed, the State will be unduly burdened and unfairly prejudiced if Idaho Code §19-1816 is not applied. Caselaw

provides no evidence that a criminal defendant's right to a fair trial by an impartial panel of the peers encompasses the right to try a case in a particular courthouse or courtroom. Indeed, Idaho Code §19-1816 clearly demonstrates the ability of the Court to meet the needs of both parties and consider judicial economy and the cost and other burdens on the originating county in reaching such a decision.

### CONCLUSION

Therefore, for the reasons outlined herein, the State requests this reconsider this Court's decision to allow a jury to be impaneled from another county and transported to Fremont County for trial pursuant to I.C. §19-1816.

RESPECTFULLY DATED this 17<sup>th</sup> day of February, 2022

/s/ Lindsey A. Blake

Lindsey A. Blake  
Fremont County Prosecuting Attorney

/s/ Rob H. Wood

Rob H. Wood  
Madison County Prosecuting Attorney

CERTIFICATE

I HEREBY CERTIFY that on this 17<sup>th</sup> day of February, 2022, that a copy of the foregoing Supplement and Disclosure was served as follows:

John Prior  
[john@jpriorlaw.com](mailto:john@jpriorlaw.com)

- ☐ Overnight Mail
- ☐ Hand Delivered
- ☐ Courthouse Box
- ☐ Facsimile:
- ☒ File & serve
- ☐ Email

Jim Archibald  
[jimarchibald@gmail.com](mailto:jimarchibald@gmail.com)

- ☐ Overnight Mail
- ☐ Hand Delivered
- ☐ Courthouse Box
- ☐ Facsimile:
- ☒ File & serve
- ☐ Email

By: Jodi L. Thurber \_\_\_\_\_

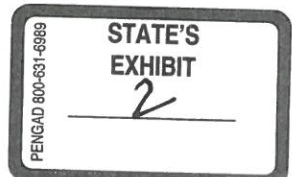
Item	January	February	March**	Fixed cost		Totals by item		Totals
Sheriff lodging for court/transport personnel*	60000	60000	30000			150000		
Parking costs				1500		1500		
Fuel costs				3730		3730		
Meals/food -	20,720	20,720	10360			51800		
Overtime	21000	21000	10500			52500		
Added Jail costs due to change of venue Chad Daybell	1705	1540	1705			4950		
Added Jail costs due to change of venue Lori Daybell	1705	1540	1705			4950		
Total Cost - Monthly expenses	105130	104800	54270					264200
Fixed costs totals								5230
Total of Sheriff's Added Costs due to Ada change of venue for trial								269430
* does not include additional staff that will need to be hired in Ada Co								
** only 10 week trial = half of March								

Item	January	Total
Sheriff lodging for court/transport personnel	30000	
Parking costs 2 week jury selection	300	
Fuel costs - 2 week jury selection	744	
Meals/food - 2 weeks	10360	
Overtime -- 2 weeks	10500	
Added Jail costs due to change of venue Chad Daybell 2 weeks	770	
Added Jail costs due to change of venue Lori Daybell 2 weeks	770	
Total Costs to Fremont Co. Sheriff for jury selection in Ada Co.		53444

# **FREMONT COUNTY SHERIFF'S COSTS - CHANGE OF VENUE TO ADA CO.: DAYBELL TRIAL**



Sheriff  
Humphries



# **FREMONT COUNTY SHERIFF: TRIAL RESPONSIBILITIES**

- **Staffing Considerations:**
  - 14 personnel will have to go to Ada Co. to cover trial
- **Personnel Duties include:**
  - Bailiffs in courtroom
  - Transportation to and from jail
  - Transportation/security of witnesses
  - Assisting in courtroom door security
  - Jury transportation, security and sequestration



# **FREMONT CO. SHERIFF COST COMPARISON FULL CHANGE VS. VOIR DIRE ONLY**

<b>Full Change of Venue to Ada County</b>	<b>Jury Selection only in Ada County</b>
<b>\$269,430</b>	<b>\$53,444</b>
<b>Cost Difference to Fremont County (Sheriff's costs only):</b>	<b>\$215,986</b>



# **COST CATEGORIES FOR DAYBELL TRIAL IN ADA COUNTY:**

- Lodging
- Travel Costs (parking, gas and car)
- Meals/Food
- Overtime
- Jail Costs



# LODGING COSTS:

- Hotel— \$60,000/per month
  - 14 staff x \$147 rate/night/room x 30 days x 4 weeks
- (For Sequestration in Ada Co. Would need to hire secondary females to provide support in Ada county. Unknown amount)
- **Optional: 2 large rentals 30000/40000 per month for the number people involved if large enough can be reserved**



# TRAVEL COSTS:

- Parking costs
  - \$10/day per vehicle
  - 3 cars x 5 days x 10 weeks x \$10 = \$1,500 parking fees
- Gas/transportation cost –
  - 340 miles to Boise at 20 miles/mpg = 17 gals/car
  - \$3.66/gal = \$62.00/per trip/per vehicle
  - \$186/each way for 3 cars
  - 2 trips a week/group = \$373.32
  - 3 cars over there for 10 weeks
- Costs for fuel = \$3,733 fuel



# MEALS/FOOD COSTS:

- Meals – \$51,800/per meals/10 weeks
- 14 people x \$74 (per diem) X 5 days = \$5,180 weekly amount
- Weekly amount x 10 weeks = \$51,800



# **OVERTIME/STAFFING COSTS:**

- **Overtime Calculation:**

- **\$750/ee/week x 14 = \$10,500 per pay period**

**Average labor rates \$25/hr.**

**Average overtime rate \$37.50 average/hr.**

- **Estimated OT hours/ee/week = 20 hours**

**-- must pay them OT for travel**

**(((\$37.50 x 20) x 14 = \$10,500 /pay period)**

**2 pay periods a month = \$21,000/month in OT.**

- **Estimated Cost of Overtime for Trial in Ada Co :**

**\$63,000 (three months)**

**\$52,500 (10 weeks)**



# **ADA CO. JAIL COSTS:**

## **TRANSFER OF CHAD AND LORI VALLOW DAYBELL**

- Fixed rate \$55/day in other counties:
- Cost by Month/Defendant:
  - -- January 31 days,      \$1,705
  - -- February 28 days      \$1,540
  - -- March 31 days      \$1,705
- \$4,950/Defendant for 3 months  
(\$9,900 for both defendants)



Lodging:	\$150,000
Parking costs:	\$1,500
Fuel costs:	\$3,730
Meals/food:	\$51,800
Overtime:	\$52,500
Jail costs CD:	\$4,950
Jail costs LVD:	\$4,950
Sheriff's costs	
for Ada Co. trial:	\$269,430

**SUMMARY  
SHERIFF'S COSTS:  
PROJECTIONS FOR FULL  
CHANGE OF VENUE TO  
ADA CO.**



Lodging:	\$30,000
Parking costs:	\$300
Fuel costs:	\$744
Meals/food:	\$10,360
Overtime:	\$10,500
Jail costs CD:	\$770
Jail costs LVD:	\$770
Total Sheriff's costs for Ada Co. jury selection:	\$53,444

**SUMMARY  
SHERIFF'S  
COSTS:  
CHANGE OF  
VENUE JURY  
SELECTION ONLY  
(2 WEEK  
ESTIMATE)**



# **FREMONT CO. SHERIFF COST COMPARISON FULL CHANGE VS. VOIR DIRE ONLY**

<b>Full Change of Venue to Ada County</b>	<b>Jury Selection only in Ada County</b>
<b>\$269,430</b>	<b>\$53,444</b>
<b>Cost Difference to Fremont County (Sheriff's costs only):</b>	<b>\$215,986</b>



# **MADISON COUNTY/RPD COSTS PROJECTION FOR ADA COUNTY CHANGE OF VENUE:**

## **DAYBELL TRIAL**



Chief

Shane Turman

# **MADISON COUNTY/RPD COST PROJECTION**

- **Projections based on 2022 IRS and GSA per diem rates for Ada County, Idaho.**
- **Madison County/RPD has separated cost projections into the following five categories:**
  1. **Total Lodging Projected Costs**
  2. **Total Food/M meal Projected Costs**
  3. **Total Projected Transportation Costs**
  4. **Office Rental Space Projected Costs**
  5. **Projected Staffing Costs**



# MADISON/RPD COST CATEGORIES FOR ADA COUNTY TRIAL :

- Madison County/RPD have further broken these projected costs into “cost per individual” into the following categories:

“Ten-week participants”

“Five-week participants”

“Single week participants”



# **MADISON COUNTY/RPD TOTAL COST PROJECTIONS**

- **Projections based on 2022 IRS and GSA per diem rates for Ada County, Idaho.**

▪ 1. Total Lodging =	\$174,930
▪ 2. Total Meal/ Food Cost =	\$88,060
▪ 3. Total Transportation Costs =	\$49,517.60
▪ 4. Office Rental Space =	\$7,500
▪ 5. Fill-in staffing Cost =	\$49,400

**Madison County/RPD Projected Total = \$369,407.60**



# MADISON COUNTY/RPD COSTS PER PARTICIPANT

- Projections based on 2022 IRS and GSA per diem rates for Ada County, Idaho.
- Lodging Per Night: \$147.00 per night per individual.
- Meals/Food: \$74.00 per day per individual.
- Transportation: One-way travel—Fremont County to Boise Idaho = 340 miles. 2022 IRS Per mile rate = 58.5 cents per mile.
- Per one-way trip = \$197.20
- One round trip = \$394.40
- Parking = \$50 per week per vehicle



# MADISON COUNTY/RPD COSTS PER PARTICIPANT

- Total cost per “Ten-week participant” = \$10,290 housing + \$5,180 meals + \$1,972 travel + \$500 parking = \$17,942
- Total cost per “Five-week participant” = \$5,145 housing + \$2,590 meals + \$1,183.20 travel + \$250 parking = \$9,168.20
- Total cost “per single week or less participant” = \$1,029 housing + \$518.00 meals + \$394.40 + \$50.00 parking = \$1,991.40



# **MADISON COUNTY/RPD COSTS PER "TEN WEEK PARTICIPANT":**

- Madison County/RPD anticipates Twelve (12) individuals from the Prosecuting Attorney's Office, applicable staff and Law Enforcement witnesses to be required for the full 10-week trial period.
- Total cost = \$215,304



# **MADISON COUNTY/RPD COSTS PER "FIVE WEEK PARTICIPANT"**

- Anticipated 3 law enforcement witnesses being required for 5 weeks of the proceeding.
- Total "Five Week Participant" Cost = \$27,504.60



# PROSECUTING ATTORNEY OFFICE RENTAL SPACE PROJECTED COSTS

- Ten weeks of temporary office space.
- Current Departments located in Ada County Courthouse are not able to provide office space for Prosecutors.
- Total projected cost = \$7,500



# **MADISON COUNTY/RPD COSTS PER "SINGLE WEEK PARTICIPANT"**

- Approximately 35 additional witnesses are required, including law enforcement, city/county employees, and lay witnesses who are local to SE Idaho.
- Given the necessary travel window, uncertainty of the specific timing of when a witness may be called to testify or how long cross-examination of witnesses may last, the State has projected an average of 7 days per witness. This projection is made knowing that some witnesses may be required to stay and be available in the Boise area for 10 or more days, and some may only be required to be available 2-5 days depending on unforeseen factors in trial length and day to day scheduling.
- Total Projected Cost = \$69,699



# FILL-IN RPD STAFFING PROJECTED COSTS

- Due to detectives being required in Ada County as material witnesses, law enforcement agencies will attempt to address staffing needs using “reserve officers.”
- RPD’s current standard reserve rate is \$19/hr. A conservative projection includes paying five “reserve deputies” to cover ten weeks of shifts, and an additional three reserves to cover five weeks.
- Total cost = \$49,400



# **MADISON CO/RPD COSTS PROJECTION**

- **Projections based on 2022 IRS and GSA per diem rates for Ada County, Idaho.**

▪ 1. Total Lodging =	\$174,930
▪ 2. Total Meal/ Food Cost =	\$88,060
▪ 3. Total Transportation Costs =	\$49,517.60
▪ 4. Office Rental Space =	\$7,500
▪ 5. Fill in staffing Cost =	\$49,400

**Madison Co/RPD Projected Costs= \$369,407.60**

