

**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 ORDER DENYING STATE'S MOTION TO CONTINUE HEARING ON DEFENDANT'S MOTION TO SEVER
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Currently, there are three pending motions in this case: (1) a Motion to Sever; (2) a Motion to Reconsider Transfer of Venue (both scheduled for hearing this Friday, March 18, 2022); and (3) a Motion to Dismiss scheduled for March 23, 2022. Yesterday, March 14, 2022, the State filed three motions seeking a continuance of all pending hearings in this case on various grounds, including the instant Motion to Continue Defendant's Motion to Sever.

"[T]he decision to grant or deny a continuance rests within the sound discretion of the trial court." *State v. Daly*, 161 Idaho 925, 927, 393 P.3d 585, 587 (2017). "As a general rule, 'broad discretion [is] granted [to] trial courts on matters of continuances; only an unreasoning and arbitrary insistence upon expeditiousness in the face of justifiable request for delay violates the right to assistance of counsel.'" *Id.* (quoting *Morris v. Slappy*, 461 U.S. 1, 11-12, 103 S.Ct. 1610, 1616, 75 L.Ed.2d 610, 619-20 (1983)).

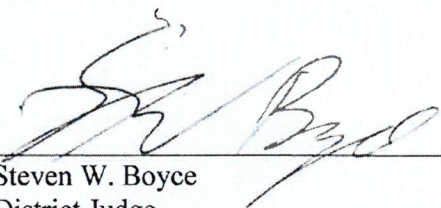
The Court will note that Defendant Daybell's Motion for Severance was filed over six months ago (September 9, 2021), and was noticed for hearing on January 19, 2022. In addition, the Court has been made aware in previous hearings that substantial argument and possible witness

testimony are to be proffered at the hearing. In determining the State's Motion to Continue the Motion to Sever (which was filed under seal); the Court denies the motion without hearing, based on the timing of the motion and the need for the Court to ensure a timely administration of the case. Further, with recently resumed jury trials, the Court anticipates difficulty in rescheduling the hearing without extensive delay. Upon consideration of these factors, and given the broad discretion inherent in the granting of a motion to continue, the State's instant request for a continuation of the hearing on the Motion to Sever is therefore DENIED.

The remaining State's Motions to Continue are under advisement and the Court will require hearings to determine each, which Counsel for the State is requested to contact the Clerk to schedule.

IT IS SO ORDERED.

Dated this 15th day of March, 2022.



Steven W. Boyce
District Judge

CLERK'S CERTIFICATE OF MAILING

I HEREBY CERTIFY that on 3/15/2022, I e-mailed a true and correct copy of the foregoing to the parties named below:

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