

**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 DEFENDANT'S MOTION TO DISMISS THE INDICTMENT
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This matter came before the Court for hearing on March 17, 2022, on a "Motion to Continue March 23, 2022 Hearing on Defendant's Motion to Dismiss the Indictment," filed by the State on March 11, 2022. After a hearing this day and upon consideration of the pleadings on record, and for the reasons stated at the hearing, the State's Motion is hereby DENIED.

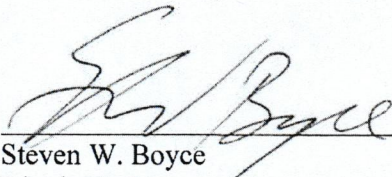
"[T]he decision to grant or deny a continuance rests within the sound discretion of the trial court." *State v. Daly*, 161 Idaho 925, 927, 393 P.3d 585, 587 (2017). "As a general rule, 'broad discretion [is] granted [to] trial courts on matters of continuances; only an unreasoning and arbitrary insistence 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 notes that Defendant's Brief in support of the Motion to Dismiss was filed March 8, 2022. To allow adequate time for the State to fully respond, the Court intends to allow the

parties to submit supplemental briefing after hearing, if requested.

IT IS SO ORDERED.

Dated this 17th day of March, 2022.



Steven W. Boyce
District Judge

CLERK'S CERTIFICATE OF MAILING

I HEREBY CERTIFY that on 3/17/2022, I e-mailed a true and correct copy of the foregoing to the parties named below:

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