

**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

on Defendant's Motion to
Appear in Street Clothes

Before the Court is Defendant Chad Guy Daybell's ("Daybell") MOTION TO APPEAR IN STREET CLOTHES, filed September 28, 2022. On October 6, 2022, the State filed a RESPONSE TO DEFENDANT'S MOTION TO APPEAR IN STREET CLOTHES. The Defendant requests that he continue to be allowed to appear for pre-trial hearings in street clothes. The State now objects. The Court previously addressed this issue in Co-Defendant Case CR22-21-1624, at a hearing on September 15, 2022, where on the same issue, the State did not object. The Court determines this issue without need of a second hearing.

The Court notes that a course of conduct has been established where both Defendant and the Co-Defendant in Case CR22-21-1624 have routinely appeared in street clothing since their incarceration for numerous hearings for over two years. The Court did not previously approve or deny the clothing worn by either Defendant, and the issue has only recently been raised by either party.

As part of the presumption of innocence, a criminal defendant is not compelled to attend trial in prison or jail clothing as it could present a continuing interference with the presumption of innocence. *State v. Slater*, 136 Idaho 293, 301, 32 P.3d 685, 693 (Ct. App. 2001); *see also Estelle v. Williams*, 425 U.S. 501, 504, 96 S.Ct. 1691, 1693, 48 L.Ed.2d 126 (1976) (attaching significance to the clothing as a constant reminder to the jury of the defendant's incarceration). This has been extended to the appearance of defendants at trial in handcuffs or shackles. *Id.*

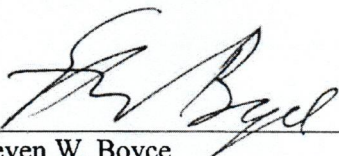
"Many jurisdictions have likewise held or implied that informing the jury that a defendant is in jail is improper because it may raise an inference of guilt." *State v. Harrison*, 136 Idaho 504, 506, 37 P.3d 1, 3 (Ct.App.2001).

State v. Anderson, No. 39510, 2014 WL 475619, at *1 (Idaho Ct. App. Feb. 6, 2014).

This rationale does not extend to pre-trial hearings, where a trial jury is not present. Further, a Defendant's attire has no bearing on any legal issue before this Court. The Court previously ruled on this same issue in the companion case CR22-21-1624. That ruling is incorporated herein. The Court entrusts the Fremont County Sheriff with the determination of what is or is not permitted in regards to an inmate's attire, in implementing their security and safety protocols.

IT IS SO ORDERED.

Dated this 13 day of October, 2022.


Steven W. Boyce
District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of October, 2022, the foregoing Order was entered and a true and correct copy was served upon the parties listed below by mailing, with the correct postage thereon, or by causing the same to be delivered to their courthouse boxes; by causing the same to be hand-delivered, by facsimile, or by e-mail.

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