

**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

**MEMORANDUM DECISION and  
ORDER**

Before the Court is Defendant Chad Guy Daybell's MOTION TO CONTINUE TRIAL TO ENFORCE MR. DAYBELL'S CONSTITUTIONAL RIGHTS. Daybell filed the motion on September 27, 2022. On October 6, 2022, the State of Idaho filed a RESPONSE to Daybell's MOTION TO CONTINUE TRIAL. On October 13, 2022, the Court called the motion for hearing and the Parties presented argument in support of their respective positions. In addition, the Parties were provided additional time to submit further information regarding their assertions that discovery was still active in the case. The Court was thereafter advised that discovery continues relating to evidentiary issues including DNA evidence, electronic device analysis and cell phone tower data. Having fully reviewed the briefing, the record, and all relevant legal authority, the Court renders the following decision.

**I. PROCEDURAL BACKGROUND**

Court minutes reflect that on December 2, 2021, the Court held a Scheduling Conference in this case wherein counsel for Mr. Daybell argued for Mr. Daybell's trial to begin in October of 2022. The State of Idaho requested trial to commence late summer or fall of 2023. Ultimately, after coordinating with Ada County, where trial will be held, the Court set trial for January 9, 2023 and issued a scheduling order confirming that date.

On September 27, 2022, Daybell filed a MOTION TO CONTINUE TRIAL, arguing that a “substantial amount of trial investigation and preparation and significant amount of discovery” was still outstanding.<sup>1</sup> On October 6, 2022, the State filed a RESPONSE to the motion, essentially as a non-objection to a continuance and requested the Court to stay this case pending the determination of a new trial date for the Co-Defendant’s case.<sup>2</sup> On October 13, 2022, the Court heard the Parties on the motion in a hearing and took the matter under advisement. The Court now orders as follows.

## II. STANDARD OF REVIEW

The decision to grant or deny a motion to continue rests within the sound discretion of the trial court:

[W]here the denial of a motion to continue is attacked on the basis of late disclosure or discovery of evidence, the alleged tardiness of the disclosure must be shown to so prejudice the defendant’s case preparation that a fair trial was denied. *State v. Fetterly*, 109 Idaho 766, 770, 710 P.2d 1202, 1206 (1985), *cert. denied*, 479 U.S. 870, 107 S.Ct. 239, 93 L.Ed.2d 164 (1986); *State v. Smoot*, 99 Idaho 855, 858–59, 590 P.2d 1001, 1004–05 (1978). To prove prejudice, a defendant must show there is a reasonable probability that, but for the late disclosure of evidence, the result of the proceedings would have been different. *See, e.g., State v. Spradlin*, 119 Idaho 1030, 1034, 812 P.2d 744, 748 (Ct. App. 1991). Further, the bare claim that additional investigation could have been conducted is not sufficient to demonstrate unfair prejudice so as to support a motion for a continuance. *Id. Tapia*, 127 Idaho at 255, 899 P.2d at 965.

*State v. Ochoa*, 169 Idaho 903, 916, 505 P.3d 689, 702 (2022).

## III. ANALYSIS

Initially, the Court reiterates that it has denied the State’s request to enter a stay in this case, requested on the basis of a stay currently affecting the companion Case No. CR22-21-1624. Next, addressing the Defendant’s MOTION TO CONTINUE TRIAL, the Court notes that during the

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<sup>1</sup> DEFENDANT’S MOTION TO CONTINUE [...], p. 1. Sept. 27, 2022.

<sup>2</sup> “The State believes the Court can find good cause to continue the trial date for both Defendants given the complicated statutory issues with Defendant Vallow Daybell [.]” STATE’S RESPONSE TO DEFENDANT’S MOTION TO CONTINUE. p. 3. October 6, 2022.



hearing on October 13, 2022, Counsel for Daybell again emphasized that he could and would be ready to proceed to trial on January 9, 2022. However, Counsel also represented that “significant” amounts of discovery were still outstanding and made the request to continue trial “in order to abate any possible prejudice to the State.”<sup>3</sup> The motion argues that Defendant is entitled to an adequate amount of time to prepare for a capital trial. The Court agrees.

All parties have been aware that this is a capital case since the August 5, 2021 NOTICE OF INTENT TO SEEK DEATH PENALTY was filed by the State. In considering that this is a capital case, the Court has at every juncture been mindful of protecting all aspects of ensuring a fair proceeding to the parties involved. The Court also took into its consideration of setting a trial date in January 2023 the representation of Counsel that the Defense would be ready for trial by October, 2022 (now), and objected to the trial being set into 2023. The bases argued in the MOTION TO CONTINUE reveals the unfortunate current posture of this case where only now, too late, Counsel fully realizes the complexity of preparing a defense for this case.

The MOTION TO CONTINUE cites, among its many reasons to delay the trial, to constitutional rights to effective assistance of counsel, the required individualized sentencing proceeding associated with a capital case, the need for experts and development of mitigation evidence, and the purely speculative argument that some other attorney may at some point join the defense team, and the new attorney would need additional time to prepare. While the Court is left questioning how and why such issues, all present at the outset of this case, are only now being asserted as a basis for a continuance, the arguments as a whole leave this Court with an abiding sense that the Defense has indeed demonstrated that it is not, and cannot, be ready for trial in January, 2023. The ongoing insistence at times that the Defendant is ready to proceed to trial, including the

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<sup>3</sup> DEF.'S MOTION. p. 3.

representations made during the October 13, 2022 hearing on this Motion, are contradicted by the assertions in the Motion, which leaves this Court to determine that a trial in January 2023 would in all likelihood result in Defense Counsel's inability to be adequately prepared, thus infringing on the Defendant's rights.

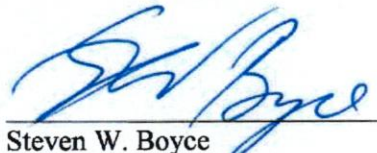
Thus, despite the preparations the Court has already taken at considerable time and expense (including multiple on-site visits and coordination efforts with Ada County, wherein counsel for the parties have also at times been present) to hold this trial in January, this trial must be vacated and continued. Having previously established that the Defendant has waived his right to a speedy trial, the Court must ensure that the Defendant has a full and meaningful opportunity to prepare a defense. The Court will contact counsel to reschedule trial. The Court expects counsel for the Parties to have a full and complete understanding of what preparations remain in rescheduling the trial, so as to avoid any further unnecessary delay in the administration of this case.

#### **IV. CONCLUSION**

For the foregoing reasons, the Defendant's MOTION TO CONTINUE TRIAL is GRANTED.

**IT IS SO ORDERED.**

Dated this 28 day of October, 2022.

  
Steven W. Boyce  
District Judge

### CERTIFICATE OF SERVICE

I hereby certify that on this 28th 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.

Parties Served:

Lindsey Blake  
prosecutor@co.fremont.id.us

Robert H. Wood  
mcpo@co.madison.id.us

Rachel Smith  
smithlawconsulting@outlook.com  
*Attorneys for State of Idaho*

John Prior  
john@jpriorlaw.com  
*Attorney for Defendant*

Clerk of the District Court  
Fremont County, Idaho

by Becky Harrington  
Deputy Clerk