

**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

ORDER

On December 15, 2022, the Court received Defendant Chad Guy Daybell's ("Daybell") MOTION TO SEAL DEFENDANT'S SPECIFIC REQUEST FOR DISCOVERY RE: CAST EVIDENCE AND ON SITE EVIDENCE, a proposed ORDER TO SEAL RE: SPECIFIC REQUEST FOR DISCOVERY, and the underlying motion for *in camera* review.

Daybell states the basis for filing the discovery request under seal is "[t]he court has previously entered an order regarding disclosure of information. The defense is complying with the Court's order by requesting the above noted pleadings be sealed until further order of the court [...]"¹

First, the Court notes that Daybell filed with the Court a request for discovery in conformity with I.C.R. 16(e)(1) on June 3, 2021. The Court has also reviewed the order Daybell refers to, which is the AMENDED PROTECTIVE ORDER entered January 7, 2022. That protective order serves to preclude unnecessary dissemination and disclosure by persons with access to the "information, documents, recordings, or other materials contained in the discovery to any third party not directly participating in the legal action."² Having reviewed Defendant's request to file under seal and the

¹ Motion to Seal. Dec. 15, 2022.

² Amended Protective Order. Jan. 7, 2022.

document to be filed under seal, the Court does not find that the Amended Protective Order would in any way prevent Daybell or his counsel from serving discovery requests upon the State. Instead, the purpose of the order is to preclude the unnecessary publishing of discovery in the case, before a jury has been impaneled, or witnesses have testified, in order to preserve the Parties' rights to a fair trial.

Daybell, through his counsel, has neither previously been nor currently is constrained from serving discovery requests upon opposing counsel. To the extent that a request for discovery contains information exempt from public disclosure or protected as a privacy interest, Daybell is directed to file those requests to ensure that no filing violates I.C.R. 16(d)(1). The State is also directed to ensure conformity with protecting certain information as set forth in I.C.R. 16(d)(1).

In reviewing the SPECIFIC REQUEST FOR DISCOVERY RE: CAST EVIDENCE AND ON SITE EVIDENCE, the Court determines it makes reference to information which requires redaction pursuant to I.C.R. 16(d). The Court further determines redaction is appropriate but the sealing of the requests is not warranted under I.C.A.R. 32. As such, the MOTION TO SEAL is denied.

Counsel may therefore re-file the appropriately redacted discovery requests, or, alternatively, simply serve, or re-serve the requests upon the State without filing them in the case. The Court notes that counsel already filed with the Court a request for discovery in conformity with I.C.R. 16(e)(1) on June 3, 2021. The re-filing of the discovery requests is unnecessary unless submitted in conjunction with a Motion to Compel, which has not been filed.

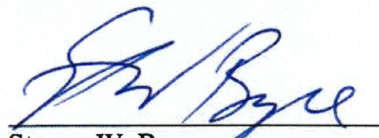
Accordingly, the Court instructs Daybell to re-file his SPECIFIC REQUEST FOR DISCOVERY RE: CAST EVIDENCE AND ON SITE EVIDENCE in conformity with I.C.R. 16 and I.C.A.R. 32. The Court clarifies that serving a discovery request upon opposing counsel does not run afoul

of the Amended Protective Order. The Court further clarifies that Counsel is responsible to ensure their filings conform with all relevant law and court rules.

Accordingly, Daybell's motion to file SPECIFIC REQUEST FOR DISCOVERY RE: CAST EVIDENCE AND ON SITE EVIDENCE under seal is DENIED for the reasons stated above.

IT IS SO ORDERED.

Dated this 16 day of December, 2022.


Steven W. Boyce
District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of December, 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:

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Clerk of the District Court
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by Becky Harrington
Deputy Clerk