

**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

Amended

**NOTICE OF TRIAL SETTING,
PRE-TRIAL CONFERENCE, and
SCHEDULING ORDER GOVERNING
FURTHER PROCEEDINGS**

I.C. §§ 18-207, 19-3501

This matter is scheduled for the following:

Pre-trial Conference 2/23/2023 9:00 a.m. before the Hon. Steven W. Boyce
at the Fremont County Courthouse, 151 West 1st North, St. Anthony, ID 83445

Jury Trial 4/3/2023- 6/9/2023 9:00 a.m. before the Hon. Steven W. Boyce
at the Ada County Courthouse, 200 West Front St., Boise, ID 83702

The parties must comply with the following requirements:

1. Pre-Trial Motions:

1. A written motion, affidavit(s) supporting the motion, memoranda or briefs supporting the motion, if any, and, if a hearing is requested, the notice of hearing for the motion, must be filed with the court and served so as to be received by the parties at least 14 days prior to the day designated for hearing.
2. Affidavit(s) opposing the motion and opposing memoranda or briefs, if any, must be filed with the court and served so as to be received by the parties at least 7 days before the hearing.

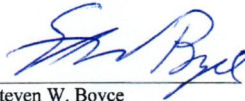
3. The moving party may file a reply brief or memorandum, which must be filed with the court and served so as to be received by the parties at least 2 days prior to the hearing.
 4. Any exception to the time limits in this rule may be granted by the Court for good cause shown. If time does not permit a hearing or response on a motion to extend or shorten time, the court may rule without opportunity for response or hearing.
 5. The time limits herein do not apply to motions and other matters if a different time limit is provided by statute or another rule of criminal procedure, including Idaho Criminal Rule 12.
2. Discovery: All discovery must be completed prior to February 27, 2023.
 3. Final Pre-Trial Conference: The parties shall discuss potential settlement of the case before the date of the final pre-trial conference scheduled for February 23, 2023, at 9:00 a.m. At the final pre-trial conference, the parties must be prepared to inform the Court whether the case is going to trial. The Defendant's in-person attendance is required.
 4. Plea Agreements: All plea agreements shall be reduced to writing. Written plea agreements shall be dated and signed by the attorneys for both parties and by the Defendant.
 5. I.C. § 18-207: Absent a showing of good cause to extend the following time, written notice must be given at least ninety (90) days in advance of the trial date if a party intends to raise any issue of mental condition and/or call any expert witness concerning such issue, unless good cause to extend that time is demonstrated. I.C. § 18-207(4)(a).
 6. Motions to Continue: All motions to continue the trial shall state the reason for the continuance and must be in writing. ANY continuance granted at the request of the Defendant which results in the trial being set beyond the six (6) month time period set forth in Idaho Code § 19-3501 constitutes a waiver of speedy trial by the Defendant.
 7. Joint Hearings on Substantially Similar Motions: This case is joined for trial with Fremont County Case No. CR22-21-1624. Though the cases are distinct, hearing substantially similar motions in each case at different times is duplicative and does not serve judicial economy. As such, the Court will require that motions filed to the

separate cases that are substantially similar shall be heard together on the first date set for hearing the motion whenever practicable.

8. Jury Questionnaires: A proposed Jury Questionnaire is due to the Court by January 9, 2023. Pursuant to I.C.A.R. 32(i)(2)(C) and I.C.A.R. 32(i)(2)(E), a closed, sealed hearing on the Jury Questionnaire will be set in January, 2023 at a date and time to be determined by the Court.
9. Jury Instructions: Jury instructions must be submitted by the parties to the Court at least 14 days before the trial date.
10. Exhibit and Witness Lists: A list of all exhibits and witnesses shall be submitted by the parties to the Court at least 14 days before the trial date.
11. Motion Hearings: The following dates have been set aside for motion hearings in this case:
 1. January 19, 2023 at 9:00 a.m.
 2. February 9, 2023 at 9:00 a.m.
 3. February 23, 2023 at 9:00 a.m.
 4. March 9, 2023 at 9:00 a.m.

IT IS SO ORDERED.

Dated this 27 day of December, 2022.



Steven W. Boyce
District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of December, 2022, the foregoing Scheduling 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
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Rachel Smith
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Attorneys for State of Idaho

John Prior
john@jpriorlaw.com
Attorney for Defendant

Clerk of the District Court
Fremont County, Idaho

by

Becky Harrigfeld
Deputy Clerk