

Lindsey A. Blake, ISB #7920
Rob H. Wood, ISB #8229
OFFICE OF THE FREMONT COUNTY
PROSECUTING ATTORNEY
22 W. 1st N.
St. Anthony, ID 83445
Tel: 208-624-4418
Email: prosecutor@co.fremont.id.us

Attorneys for the State

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 MOTION TO SEAL HEARING ON CHANGE OF VENUE
---	--

Pursuant to Idaho Administrative Rule 32(i), the State of Idaho respectfully requests that this Court limit potentially unduly prejudicial publicity by sealing the hearing on the Chad Daybell's and Lori Vallow Daybell's ("Defendants" hereinafter) Motions on the change of venue, the State explains as follows:

Several sections of I.A.R. 32 authorize the Court to seal matters or hearings when the interest in privacy outweighs the preference for public disclosure. I.A.R. 32(i)(1) outlines:

Any person or the court on its own motion may move to disclose, redact, seal or unseal a part or all of the records in any judicial proceeding. The court shall hold a hearing on the motion after the moving party gives notice of the hearing to all parties to the judicial proceeding and any other interested party designated by the court. The court may order that the record immediately be redacted or sealed pending the hearing if the court finds that doing so may be necessary to prevent harm to any person or persons. In ruling on whether specific records should be disclosed, redacted or sealed by order of the court, the court shall determine and make a finding of fact as to whether the interest in privacy or public

disclosure predominates. If the court redacts or seals records to protect predominating privacy interests, it must fashion the least restrictive exception from disclosure consistent with privacy interests.

Under I.A.R. 32(i)(2) “a court may enter an order redacting or sealing records....” Further, I.A.R.(i)(2)(e) provides that a court may seal an order if “...it is necessary to temporarily seal or redact the documents or materials to preserve the right to a fair trial...”

The right to fair trial for both the State and the Defendants are impacted when matters of an overly sensitive or unfairly inflammatory nature are publicly broadcast. The State’s position is that the hearing on the change of venue may contain information and argument that could have an impact on the right to a fair trial. To prevail on the Motions the Defendants must argue that the publicity and media coverage thus far has been inaccurate, unfairly prejudicial and designed to position the public against them. If Defendants argue about the inaccuracy of the coverage – highlighting inaccuracies, stating specific areas of alleged inflammatory information or citing statistic claiming bias, and the proceedings are open to the public, then the efforts persuasion by the Defendants in attempt to meet their burden, will certainly generate media and public coverage. The very nature of such argument is certain to garner even more coverage by the public and media. Failure to close the proceedings on the venue motion, have potential to cause the very harm the Defense complains about, and the Court and State seek to avoid.

Wherefore the State respectfully requests that this Court grant and Order the State’s Motion to Seal the Hearing for Change of Venue.

DATED this 29th day of September 2021.

/s/Rob H. Wood
Rob H. Wood
Prosecuting Attorney

/s/Lindsey A. Blake
Lindsey A. Blake
Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of September, 2021, that a copy of the foregoing MOTION TO SEAL HEARING ON CHANGE OF VENUE was served as follows:

John Prior
Law Office of John Prior
429 SW 5th Street, Ste. 110
Meridian, Idaho 83462
john@jpriorlaw.com

X U.S. First Class Mail
☐ Hand Delivered
☐ Courthouse Box
☐ Facsimile:
☐ File & serve
X Email

Jim Archibald
1493 North 1070 East
Shelley, Idaho 83274
jimarchibald@gmail.com

X U.S. First Class Mail
☐ Hand Delivered
☐ Courthouse Box
☐ Facsimile:
☐ File & serve
X Email

Mark L. Means
Means Law
429 SW 5th Street, Ste. 110
Meridian, Idaho 83462
mlm@means-law.com

X U.S. First Class Mail
☐ Hand Delivered
☐ Courthouse Box
☐ Facsimile:
☐ File & serve
X Email

By: /s/Lindsey A. Blake
