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**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT**

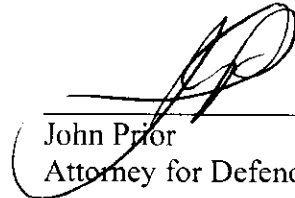
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|------------------|---|------------------------|
| STATE OF IDAHO, |) | CASE NO. CR22-21-1623 |
| |) | |
| Plaintiff, |) | RESPONSE AND |
| |) | OBJECTION TO MOTION TO |
| |) | AMEND INDICTMENT |
| |) | |
| CHAD GUY DAYBELL |) | |
| |) | |
| Defendant |) | |
| _____ |) | |

COMES NOW, John Prior, counsel for the Defendant hereby responds and objects to the State's Motion to Amend Indictment as follows:

1. The state has not provided the defense with a copy of the proposed Amended Indictment. The defense has requested from the state a copy of the proposed language in a proposed indictment. As of the date of this filing, the defense has not been provided the copy. The defense cannot agree or stipulate to any amendment without first reviewing said proposed amended indictment to ensure that all of the proposed changes are as stated, and no further changes are made other than those as represented.

2. The State is attempting to change not only the crime charged against the defendant but, contrary to their assertion prosecute under a different provision and under a different burden other than what was presented to the grand jury as to 18-2403.
3. That defendant objects to the state amending the indictment regarding the alleged conspirators and is only engaging in semantics to lessen their burden other than how it was presented to the grand jury.
4. Defendant reserves the right to provide further argument at the hearing on this matter and make additional objections so as to reserve their right to object until such time as a hearing is heard on the states motion.
5. In the event the proposed copy is not provided in an acceptable time prior to hearing, the defense would request a continuance.

Dated this 17th day of November 2023.


John Prior
Attorney for Defendant

CERTIFICATE OF SERVICE:

I HEREBY CERTIFY that a true and correct copy of the above and foregoing document was delivered to the office of the FREMONT COUNTY PROSECUTING ATTORNEY, by odyssey court efile and serve prosecutor@co.fremont.id.us on this date.

Dated this 17^{*} of November 2023.


John Prior