

**JOHN PRIOR**  
**ATTORNEY AT LAW**  
ISB #5344  
429 SW 5<sup>th</sup> Avenue St. 110  
Meridian, Idaho 83642  
(208) 465-9839 Telephone  
Attorney for Defendant Chad Guy Daybell  
Email john@jpriorlaw.com

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

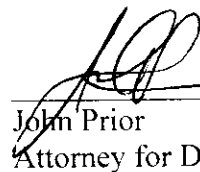
STATE OF IDAHO,	)	CASE NO. CR22-21-1623
	)	
Plaintiff,	)	RESPONSE AND
	)	OBJECTION TO MOTION TO
	)	RECONSIDER VENUE
	)	
CHAD GUY DAYBELL,	)	
	)	
Defendant	)	
_____	)	

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

1. The state has failed to provide any legal authority to allow a Motion to Reconsider a court's prior ruling. Counsel for the defendant is unaware of any Idaho authority that allows the court to reconsider the courts previous ruling. Counsel for the defense seeks an order from the court denying the states motion without further hearing.
2. The state has failed to provide any legal or any factual authority that overcomes the courts previous extensive analysis and ruling that a change of Venue was warranted in moving the case to Ada County.

3. The state has referenced only an interview and media presentation as the authority to justify the change of venue back to Fremont County. The state has failed to submit any expert analysis or any authority other than the perception of a handful of people who were interviewed for a media article.
4. The Defendant's right to a fair and impartial trial has not changed in any regard because the Vallow trial occurred first. Further the state has presented no evidence that any of their selective choices in eastern Idaho would provide any better chance of a fair and impartial trial other than Ada County.
5. The state is seeking a move of the trial to a number of eastern Idaho counties as alternatives and in essence is **forum shopping** to gain an advantage in the upcoming trial.
6. The state is engaging in last minute grand standing by attempting to cause potential further delay by seeking a change a of venue 4 months before a trial.
7. Defendant reserves the right to provide further argument at the hearing on this matter and additional argument if the court even chooses to allow this Motion to Reconsider to proceed.
8. In the event the court allows this Motion to Reconsider to proceed and the State supplements their Motion with additional evidence or attempts to present witness testimony, the defense would request a continuance.

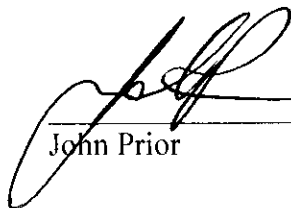
Dated this 17th day of November 2023.

  
\_\_\_\_\_  
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<sup>th</sup> of November 2023.

  
\_\_\_\_\_  
John Prior