

**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

**MEMORANDUM DECISION
and ORDER**
on Motions to Strike the Death Penalty

This matter is before the Court on two motions filed by Defendant Chad Guy Daybell (hereinafter "Daybell"): (1) MOTION TO STRIKE THE DEATH PENALTY BASED ON RELATIVE CULPABILITY and (2) MOTION TO STRIKE THE DEATH PENALTY AS ARBITRARY, CAPRICIOUS, & DISPROPORTIONATE IN LIGHT OF STRIKING DEATH IN CO-DEFENDANT'S CASE, both filed November 9, 2023. The State of Idaho objects to the motions. On November 29, 2023, subsequent to oral argument, the Court took the matters under advisement. Having fully considered the record, briefing and arguments offered in support of the parties' respective positions on the motions, and in applying relevant legal authority the Court enters the following decision and order.

I. FACTS AND PROCEEDINGS

On May 24, 2021, a Grand Jury returned an INDICTMENT against Daybell and his wife, Lori Vallow Daybell (hereinafter "Vallow"). Both Daybell and Vallow were charged with three counts of Conspiracy, and two counts of First Degree Murder for the homicide of Vallow's children: Joshua Jaxon "JJ" Vallow and Tylee Ryan. They were each separately charged with additional crimes. Vallow was charged with Grand Theft. Daybell was charged with an additional count of First Degree Murder for the homicide of his late wife, Tamara Daybell, and two counts of Insurance Fraud. The two cases, though brought under a single INDICTMENT, have always been

treated as two distinct cases, with separate case numbers, and individualized consideration. While the two cases were initially joined for trial, they have been litigated separately from the outset of the filing of the INDICTMENT. Further, trial for the two cases was severed after Daybell successfully moved this Court to do so.

An extensive and notable procedural history of the cases impacts this decision: after a determination that she was not legally competent to stand trial, Vallow's case was stayed for an extended period of time while she received medical treatment, pursuant to Idaho Code §§ 18-211-212, focused on restoring her to legal competency. No such issue or delay occurred in Daybell's case; nor has he ever been determined to require such treatment. Further, and significantly, Vallow refused to waive her constitutional right to a speedy trial, while concurrently Daybell filed a written waiver of speedy trial on August 19, 2021. Finally, on his third attempt, Daybell successfully moved this Court for, and obtained, a severance of trials from his alleged co-conspirator Vallow.¹

The State of Idaho timely filed its NOTICE OF INTENT TO SEEK THE DEATH PENALTY in both Daybell's and Vallow's cases. The State has not withdrawn this NOTICE. Following the severance of Daybell and Vallow's trial and the continuance for Daybell to review additional discovery and conduct additional DNA testing, Vallow's case proceeded to trial without the option of a death penalty sentence, after this Court struck the death penalty as a sanction for late-disclosed discovery to Vallow's defense team. The sanction was ordered based on voluminous discovery having been provided to the defense on the (figurative) eve of trial, and beyond the Court's scheduled deadline to do so. Where Vallow forged ahead with her trial setting, refusing to waive her speedy trial right, the Court determined that due process required the imposition of that particular sanction. The

¹ The first motion to sever was filed September 7, 2021 and denied by this Court on March 21, 2022. The second motion to sever was filed September 27, 2022 and denied on November 17, 2022. The third motion to sever was granted on March 2, 2023, when Daybell requested additional time to conduct testing on DNA, which necessitated continuing Daybell's April 2023 trial setting, which setting was maintained in Vallow's case.

Court made findings predicated on procedural due process and carefully weighed fundamental rights in reaching that decision. The decision did not consider, nor was the analysis in reaching the decision predicated on, a determination of the constitutionality of the death penalty. Importantly, at the time the Court made the ruling, the Court expressly stated that the ruling applied exclusively to Vallow's case, as Daybell was provided his requested remedy of additional time to review the voluminous discovery disclosure, and to test potentially exculpatory DNA evidence, prior to trial.² Finally, on March 21, 2023, the Court issued a written order expressly indicating that the substantive motions founded in constitutional argument were rendered moot, as the ruling was sanction-based.³

Daybell's trial was rescheduled for April 1, 2024. On November 9, 2023, Daybell filed the instant motions requesting this Court to strike the death penalty. On November 22, 2023, the State filed STATE'S OBJECTION TO DEFENDANT'S MOTIONS TO STRIKE DEATH PENALTY. On November 29, 2023, the Court heard the parties in argument on the motions and took the matters under advisement to issue this written decision.

II. LEGAL STANDARD

The constitutionality of Idaho's capital sentencing scheme is a question of law over which the appellate courts exercise free review. *Rhoades v. State*, 149 Idaho 130, 132, 233 P.3d 61, 63 (2010). "Capital punishment is not prohibited under the United States Constitution, and 'the States may enact laws specifying that sanction.'" *State v. Abdullah*, 158 Idaho 386, 456, 348 P.3d 1, 71 (2015). The Idaho Supreme Court has determined that Idaho's death penalty statute does not

² "I'll also note that the ruling here applies only in this case against Ms. Vallow [Vallow Daybell], the 1624 case, and in no way impacts or affects the companion case, 1623, because that Defendant has been provided additional time to prepare for trial and to review additionally disclosed discovery, so it has no impact on that case."

TRANSCRIPT OF COURT'S RULINGS ON MOTION TO COMPEL; MOTION TO DISMISS THE DEATH PENALTY. p. 30, lns. 17-23. March 21, 2023.

³ Id.

