

Lindsey A. Blake, ISB #7920
Rob 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

<p>STATE OF IDAHO, Plaintiff, vs. CHAD GUY DAYBELL, Defendant.</p>	<p>CASE NO. CR22-21-1623</p> <p>STATE’S RESPONSE TO DEFENDANT’S MOTION TO EXTEND TIME FOR EXPERT DISCLOSURE AND REPORTS</p>
--------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------

The State of Idaho, by and through the Fremont County Prosecutor, hereby responds and objects to the Defendant’s Motion for Extension of Time as Follows:

The Defendant alleges in his Motion to Extend Time for Expert Disclosure and Reports that the State’s Discovery disclosure dated January 30th, 2024 is in part scientific in nature and that it “concerns the defense that the State’s disclosure creates a situation in which the defense experts have created their opinions and have not been afforded access to all the evidence in the possession of the State.”

The Defendant did not list which items he was specifically referring to, so the State can only guess as to what items he deemed “scientific.” To the best of the State’s assessment those items would include:

1. an FBI CAST report prepared for the Maricopa County Prosecutor’s Office which was only recently provided to the State of Idaho,

2. pictures from the Idaho State Lab related to fingerprints of Alex Cox and fingerprint testing from ISP Lasb
3. an FBI CAST report that the State intends to use at Chad Daybell's trial.

In reference to number 1 above, the State has informed the Defendant that the State does not intend to use the CAST report prepared for Maricopa County. However, where it was provided to the State of Idaho, the State felt the need to disclose the report. It is important to note this Defendant has all the data which was relied upon to create this report and has been in possession of said data for quite some time.¹ Specifically, the Maricopa CAST report largely relies upon the "homerjmaximus" gmail account belonging to Alex Cox. In the above captioned case, the Defendant was provided said account information on August 9, 2021. It is further of note that the Defendant received that same data in a previous case on July 21, 2020, approximately ten months before he was indicted in the above captioned case. Similarly, the Maricopa Cast also relies heavily on Verizon phone records that were provided to the Defense in the above captioned case on August 9, 2021.

In reference to number 2 above, regarding the fingerprint material, the State provided this material to the Defense previously on August 9, 2021. It was sent again because the investigator sent it to the State again as the State prepares for this Defendant's trial. It is the general practice of the State to re-disclose items if Law Enforcement sends it again to the State.

Regarding number 3 above, the FBI CAST Report the State intends to use in this Defendant's trial, is mostly identical to the CAST Report used in the Defendant's wife's trial. The State did ask the FBI to provide further information on the report regarding Alex Cox's visits to the Defendant's house. The State is aware the Defendant is already aware of those incidents. Also, the labelling on this report differs slightly

¹ While the State will not be using the Maricopa CAST Report, the State did use information that is contained in that report in the Trial of Lori Vallow/Daybell. The State fully intends to use said information again and would note that not only was that information disclosed to the Defendant on August 9, 2021, but also that the State signed a Stipulation for Release of Trial Exhibits to Defense with the Defendant which was filed on 10/4/2023. While the State reserves the right to update or change exhibits for the Defendant's trial, the underlying data and information is the same and has long been in the possession of the Defendant.

from the last report in order to make the report easier to understand. Similar to the Cast report, this data upon which this CAST Report was created has been in the Defendant's possession since at least August 9, 2021.

No new scientific experts were disclosed in the State's Discovery Disclosure.

Whereas the State does not intend to utilize the Maricopa CAST Report, the Defendant is already in possession of the fingerprint material, and whereas any changes to the CAST Report the State will be using is minimal, the Defendant has failed to meet his burden of establishing why the Court scheduling order should be altered. There is nothing stopping the Defendant's experts from reviewing the small changes made in the State's CAST Exhibit. The Defendant has certainly not met the burden of requesting a continuance. As such, the State respectfully requests that the Court deny the Defendant's Motion.

Respectfully submitted this 12th day of February, 2024.

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of February, 2024, that a copy of the foregoing State's Response to Defendant's Motion for Expert Disclosure and Reports was served as follows:

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

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

By: /s/ Jodi L. Thurber