

JOHN PRIOR ISB #5344
429 SW 5th Avenue #110,
Meridian, ID 83642
Phone: (208) 465-9839
E-mail: 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-Respondent)	
)	NOTICE OF APPEAL
v.)	
)	
CHAD GUY DAYBELL,)	
)	
Defendant-Appellant)	(CAPITAL CASE)
_____)	

TO: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO, AND THE PARTY'S ATTORNEYS, PROSECUTOR LINDSAY BLAKE AND ROBERT WOOD AND THE CLERK OF THE ABOVE-ENTITLED COURT:

1. Appellant Chad Guy Daybell appeals against the above-named Respondent to the Idaho Supreme Court from that judgment and sentence of death filed in the above-entitled and numbered case on [Date], the Honorable Steven W Boyce presiding.
2. The party has a right to appeal to the Idaho Supreme Court pursuant to Idaho Appellate Rule (I.A.R.) 14, and the judgments or orders described in paragraph one above are appealable orders under and pursuant to Idaho Appellate Rule (I.A.R.) 11(c).
3. A preliminary statement of the issues on appeal, which the appellant then intends to assert in the appeal; provided, any such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal, are:
 - a. Did the court err in not granting Defendant's Motion to Dismiss the Grand Jury Indictment in this case?
 - b. Did the court err in ruling Dr. Davidson's report and testimony would be inadmissible in this case?

c. Did the court err in allowing the State of Idaho to amend their indictment after the closing of their case?

d. Did the court err in denying defenses Rule 29 Motion to Dismiss.

e. Did the court err in providing to the jury the most current jury instruction of reasonable doubt at the guilt stage?

f. Did the err in providing the jury the most current instruction of reasonable doubt at the sentencing phase.

g. Counsel reserves the right to Amend and include additional issues on appeal upon appointment of appellate counsel.

4. There is a portion of the record that is sealed. There is no PSI in this death penalty case. There are numerous attachments to exhibits and *ex parte* filing related to funding of defense experts. All of these documents should be made a part of the appellate record.

5. Is a reporter's transcript requested? Yes.

The appellant requests the preparation of the entire reporter's standard transcript in Death Penalty cases as defined in I.A.R. 25(e).

6. The Appellant requests the following documents to be included in the standard clerk's record pursuant to I.A.R. 28(b)(2)(O) for death penalty cases, including "all documents in the trial court file of every nature, kind and description, except that the presentence investigation report shall be forwarded as an exhibit to the record." The appellant also request that ALL paper and digital exhibits, introduced or sought to be introduced in each and every hearing or trial be included with the Clerk's Record.

7. I certify:

(a) That a copy of this Notice of Appeal has been served on the Court Reporter,

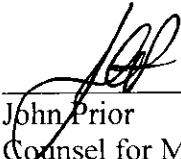
(b) That the appellant is exempt from paying the estimated transcript fee because he has now been incarcerated, is indigent, and pleads *in forma pauperis*. Mr. Daybell asks that the reporter's fee be waived by the district court pursuant to Idaho Code § 31-3220, in accordance with the local rules of the Seventh Judicial District. (See Idaho Code §§ 31-3220 and I.A.R. 24(h)).

(c) That the appellant is exempt from paying the estimated fee for the preparation of the records because he has now been incarcerated, is indigent, and pleads *in forma pauperis*. Mr. Daybell asks that the reporter's fee be waived by the district court pursuant to Idaho Code §§ 31-3220 and 31-3220A. (See Idaho Code §§ 67-2301, 31-3212(2), and I.A.R. 27(e)).

(d) That the appellant is exempt from paying the appellate filing fee because this is an appeal in a criminal case. (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 24(a)(8)).

(e) That service has been made upon all parties required to be served pursuant to Rule 20 (and the attorney general of Idaho pursuant to Section 67-1401(1), Idaho Code).

DATED THIS 3rd day of June 2024.



John Prior
Counsel for Mr. Daybell

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 3rd day of JUNE, 2024, a true and correct copy of the foregoing NOTICE OF APPEAL was served as indicated below:

DEFENSE COUNSEL
John Prior
john@jpriorlaw.com

Statehouse Mail
 U.S. Mail
 Facsimile
 Hand Delivery
 eService

COURT REPORTER #1
Patti Bath pbath@co.madison.id.gov

Statehouse Mail
 U.S. Mail
 Facsimile
 Hand Delivery
 eService

COUNTY PROSECUTORS
Lindsay Blake lblake@co.fremont.id.us.gov
Robert Wood rwood@co.madison.id.us.gov

Statehouse Mail
 U.S. Mail
 Facsimile
 Hand Delivery
 eService

OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 83720
BOISE, IDAHO 83720-0010
ecf@agiidaho.gov

Statehouse Mail
 U.S. Mail
 Facsimile
 Hand Delivery
 eService

CLERK OF THE COURT
IDAHO STATE SUPREME COURT
P.O. BOX 83720
BOISE, IDAHO 83720-0101

Statehouse Mail
 U.S. Mail
 Facsimile
 Hand Delivery
 eService

STATE APPELLATE PUBLIC DEFENDER
322 E. FRONT ST., STE. 570
BOISE, ID 83702
documents@sapd.idaho.gov

Statehouse Mail
 U.S. Mail
 Facsimile
 Hand Delivery
 eService


SIGNATURE OF SERVER