

**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,

v.

CHAD GUY DAYBELL,

Defendant.

Case No. CR22-21-1623

ORDER

*on Defendant's Objection to
the Court's Scheduling Order
Issued on December 16, 2022*

Before the Court is Defendant Chad Guy Daybell's ("Daybell") OBJECTION TO THE COURT'S SCHEDULING ORDER ISSUED ON DECEMBER 16, 2022 ("OBJECTION") that Daybell filed on December 23, 2022. No hearing on the motion was scheduled. The Court finds that judicial efficiency and case administration is best served by considering the objection without the need for a hearing and enters the following order.

I. PROCEDURAL BACKGROUND¹

On December 16, 2022, the Court entered a SCHEDULING ORDER establishing certain deadlines ahead of trial scheduled to begin April 3, 2023 in this case.² On December 23, 2022, Daybell filed an objection to the December 16, 2022 SCHEDULING ORDER and requested the Court to "vacat[e] the January 9 deadline [to file a proposed jury questionnaire] until such time that the continuance motion can be filed, heard, and ruled upon."³

As noted in the OBJECTION, the Court has scheduled a deadline of January 9, 2023, for counsel to submit proposals relating to the questionnaire the Court intends to utilize in jury

¹ The full factual background is incorporated by reference and not set forth herein.

² The Court filed an amended SCHEDULING ORDER on December 27, 2022 that has no material effect on Daybell's objection as it is substantively the same as the December 16th Scheduling Order for purposes of evaluating Daybell's objection.

³ OBJECTION TO THE COURT'S SCHEDULING ORDER ISSUED ON DECEMBER 16, 2022 ("OBJECTION"). p. 1. Dec. 23, 2022.

selection. On September 23, 2022, the Court issued an ORDER requiring proposed questionnaires to be submitted no later than October 14, 2022.⁴ As noted in that order, the parties were advised well in advance of the issuance of the order that a questionnaire would be used in jury selection. Court minutes from October 13, 2022 indicate that during a court hearing, held the day before the deadline, the Prosecution inquired of the Court whether the order's deadline for the proposed jury questionnaire of October 14, 2022 would still be in effect, and the Court advised all parties that the October 14, 2022 deadline to submit a proposed questionnaire was vacated.⁵ Of note, the co-defendant Case CR22-21-1624 was stayed at that time, heavily weighing on the decision to suspend the deadline for the submission of proposed questionnaires. On October 28, 2022, the Court entered a MEMORANDUM DECISION AND ORDER granting Daybell's motion to continue trial and vacated the January 9, 2023 trial date. The Court thereafter entered a new scheduling order setting trial in April, 2023, and also set the January 9, 2023 deadline for submission of proposed questionnaires, to coincide with necessary trial preparation given the new trial date.

II. LEGAL AUTHORITY

The Sixth Amendment guarantees “the accused” the right to a trial “by an impartial jury.” The right to an “impartial” jury “does not require ignorance.” *Skilling v. United States*, 561 U. S. 358, 381 (2010). Notorious crimes are “almost, as a matter of necessity, brought to the attention” of those informed citizens who are “best fitted” for jury duty. *Reynolds v. United States*, 98 U. S. 145, 155–156 (1879). A trial court protects the defendant's Sixth Amendment right by ensuring that jurors have “no bias or prejudice that would prevent them from returning a verdict according to the law and evidence.” *Connors v. United States*, 158 U. S. 408, 413 (1895).

We have repeatedly said that jury selection falls “particularly within the province of the trial judge.” *Skilling*, 561 U.S., at 386, 130 S.Ct. 2896 (quoting *Ristaino v. Ross*, 424 U.S. 589, 595, 96 S.Ct. 1017, 47 L.Ed.2d 258 (1976)); see also, e.g., *Mu'Min v. Virginia*, 500 U.S. 415, 424, 111 S.Ct. 1899, 114 L.Ed.2d 493 (1991); *Connors*, 158 U.S., at 413, 15 S.Ct. 951. That is so because a trial “judge's

⁴ ORDER. Sept. 23, 2022.

⁵ See Fremont County Case No. CR22-21-1623. COURT MINUTES. p. 3. Oct. 13, 2022.

