

The right to a fair trial and to an impartial jury is guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and Article I, section 7 of the Idaho Constitution. A court should grant a change of venue whenever the totality of existing circumstances demonstrates that juror exposure to pretrial publicity will likely result in an unfair trial. However, a defendant's inability to make a detailed and conclusive showing of prejudice is not a proper ground for refusing to change venue as prejudice seldom can be established or disproved with certainty. *State v. Hall*, 111 Idaho 827, 829, 727 P.2d 1255, 1257 (Ct. App. 1986). Rather, it is sufficient for the accused to show there is a reasonable likelihood prejudicial news coverage will prevent a fair trial. When reviewing the nature and content of the pretrial publicity, this Court should consider the accuracy of the pretrial publicity, the extent to which the articles are inflammatory, inaccurate, or beyond the scope of admissible evidence, the number of articles, and whether the [potential] jurors were so incessantly exposed to such articles that they had subtly become conditioned to accept a particular version of the facts at trial. @ *State v. Hadden*, 152 Idaho 371, 376-377, 271 P.3d 1227, 1232-1233 (Ct. App. 2012).

In the present case, the comments, articles, survey, news media that I have previously submitted to the prosecution and the court as exhibits in this case illustrate that the small rural communities of the Seventh Judicial District have been exposed to inflammatory and inadmissible evidence and an overwhelming amount of media coverage. The small population of residents within the Seventh Judicial District makes it impossible to obtain a fair and impartial jury within the Seventh District because the local media, religious organizations and government agencies allowing depiction of pictures, ribbons on state property contribute to the unfair bias.