

Craig H. Durham  
FERGUSON DURHAM, PLLC  
223 N. 6<sup>th</sup> Street, Suite 325  
Boise, Idaho 83702  
Telephone: (208) 724-2617  
chd@fergusondurham.com  
ISB No. 6428

Attorney for Appellant

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,

Plaintiff-Respondent,

v.

LORI NORENE VALLOW a/k/a  
LORI NORENE DAYBELL,

Defendant-Appellant.

Case No. 51091-2023

Fremont County Case No.  
CR22-21-1624

UNCONTESTED THIRD MOTION  
FOR EXTENSION OF TIME

COMES NOW the Appellant, by and through her counsel, and moves the Court for an order extending the time in which to file her opening brief for 35 days, until October 24, 2024. This motion is based on the declaration of counsel, which is attached and incorporated.

DATED this 19th day of September 2024.

/s/ Craig H. Durham  
Craig H. Durham  
Attorney for Appellant

## DECLARATION OF COUNSEL

I, Craig H. Durham, under penalty of perjury depose and say:

1. Appellant's brief is due on or before September 19, 2024.
2. Two extensions of time have been granted.
3. Due to the press of counsel's present heavy workload and the complexity

of this appeal, he has been unable to complete the brief by the current due date. In just the last 14 days, counsel prepared for and attended an expedited and urgent hearing as co-counsel in Ada County District Court in *Raul Labrador v. Idahoans for Open Primaries*, CV01-24-13942; prepared for and conducted a lengthy deposition in *Frey v. Centurion et al.*, 1:23-cv-00141-AKB; filed briefs in support of petitions for review in this Court in *State v. Dobson*, 50609-2023, and *Jones v. State*, 50106-2022; and prepared for and attended three parole hearings, including a hearing involving a second degree murder conviction.

4. In addition, while counsel has begun reviewing the record, researching the issues, and preparing the brief, this case is unusually complex. The case proceeded as a capital case for much of its duration in the district court. The record is well over 10,000 pages and includes a significant portion that is sealed and confidential. The clerk and court reporters requested and received multiple extensions to compile the record on appeal. The jury trial lasted nearly four weeks, and the transcripts in the record are not organized chronologically, increasing the difficulty of counsel's review. Finally, this

was a high-profile and well-publicized case and Ms. Daybell is now serving three consecutive life sentences. Her direct appeal deserves deliberative preparation and review.

5. The undersigned has contacted counsel for the State, who does not object to the extension of time.

Per Idaho Code § 9-1406, I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on this 19th day of September 2024.

/s/ Craig H. Durham  
Craig H. Durham

**CERTIFICATE OF UNCONTESTED MOTION**

The undersigned does hereby certify that he has contacted opposing counsel and is authorized to represent that opposing counsel has no objection to this motion.

Dated and certified this 19th day of September 2024.

*/s/ Craig H. Durham*  
Craig H. Durham

## CERTIFICATE OF SERVICE

A copy of this Motion for Extension of Time has been served on the following persons on September 19, 2024, via efilng and serve to:

KEN JORGENSEN  
ecf@ag.idaho.gov

*/s/ Craig H. Durham*  
Craig H. Durham