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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	No. 51091-2023
Plaintiff-Respondent,)	
)	Fremont County Case No.
v.)	CR22-21-1624
)	
LORI NORENE VALLOW aka)	
LORI NORENE DAYBELL,)	RESPONSE TO “MOTION TO
)	AUGMENT AND SUSPEND THE
Defendant-Appellant.)	BRIEFING SCHEDULE”
_____)	

The state responds to Vallow’s Motion to Augment and Suspend the Briefing Schedule, filed on January 20, 2025 (“Motion”), as follows:

1. The state objects to augmenting with the first 436 pages of the record in the companion case, State v. Daybell, Docket 51922-2024, except for pages 160-61 and 220, to which it does not object. The documents in the record in Docket 51922-2024 are either redundant (because they are also included in the record in this case because the cases were joined) or irrelevant to this appeal (because they relate only to the other case). Only pages 160-61 and 220 are identified in

the Motion as both not already included in the present record and relevant to this case. (Motion, pp. 2-3.) Therefore, the state objects to the inclusion of all pages except the three shown to be relevant.

2. The state does not object to augmenting with sealed exhibits 2-5. (Motion, p. 6.)
3. The state does not object to including items (6) and (7) in the appellate record. (Motion, p. 7.)
4. The state objects to requested items (8) and (9) in their entirety. These requests are for transcription of hearings held on July 20, 2020, and July 27, 2020, in a different case (Case No. CR22-20-0838). (Motion, p. 7.) The Motion asserts that the district court “took judicial notice of the entire file” in case CR22-20-0838. (Motion, p. 3.) Because the transcripts were not prepared then (and still haven’t been prepared), they were not within the scope of what the district court took notice of or considered. Because the transcripts were neither noticed nor considered by the district court in this case, Vallow has failed to demonstrate they may be properly augmented into this appellate record.

Finally, if the Court denies the request for preparation of transcripts, and therefore grants augmentation only with existing documents, the state objects to suspending the briefing schedule.

DATED this 24th day of January, 2025.

/s/ Kenneth K. Jorgensen
KENNETH K. JORGENSEN
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 24th day of January, 2025, served a true and correct copy of the foregoing RESPONSE TO “MOTION TO AUGMENT AND SUSPEND THE BRIEFING SCHEDULE” to the attorney listed below by means of iCourt File and Serve:

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/s/ Kenneth K. Jorgensen
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KKJ/dd