

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,
Plaintiff-Respondent,

v.

LORI NORENE VALLOW aka
LORI NORENE DAYBELL,

Defendant-Appellant.

**Order Granting Amended Motion to Augment
and Suspend the Briefing Schedule**

Supreme Court Docket No. 51091-2023

Fremont County District Court No.
CR22-21-1624

A MOTION TO AUGMENT AND SUSPEND THE BRIEFING SCHEDULE was filed by counsel for Appellant on January 20, 2025. A RESPONSE TO “MOTION TO AUGMENT AND SUSPEND THE BRIEFING SCHEDULE” was filed by counsel for Respondent on January 24, 2025. A REPLY TO STATE’S OBJECTIONS TO MOTION TO AUGMENT AND SUSPEND was filed by counsel for Appellant on January 24, 2025. An AMENDED MOTION TO AUGMENT AND SUSPEND THE BRIEFING SCHEDULE was filed by counsel for Appellant on January 30, 2025. A RESPONSE TO “AMENDED MOTION TO AUGMENT AND SUSPEND THE BRIEFING SCHEDULE” was filed by counsel for Respondent on February 4, 2025. Therefore, after due consideration,

IT IS ORDERED that Appellant’s AMENDED MOTION TO AUGMENT is GRANTED. Within seven (7) days of the date of this Order, the court reporter shall provide an invoice for the transcripts to the State Public Defender, which shall be paid forthwith. Upon payment, the court reporter shall file a Notice of Transcript Deposit with the district court confirming payment of the estimated fee for preparation of the requested transcripts. Failure to pay the estimated fee may result in the appeal proceeding without these transcripts. The District Court Reporter shall prepare and lodge the requested transcripts listed below as sealed, as the hearings were sealed hearings, with the District Court Clerk within twenty-eight (28) days of payment for the transcripts and the District Court Clerk shall immediately serve counsel and file the transcripts with this Court:

1. Sealed hearing on conflict of interest in *State v. Lori Norene Vallow a/k/a Lori Norene Daybell*, Case No. CR22-20-0838, held on July 20, 2020, Court Reporter: Patricia Bath (assigned), estimated pages: none provided (deemed less than 100);
2. Sealed motion hearing on conflict of interest in *State v. Chad Guy Daybell*, Case No. CR22-20-0755, held on July 27, 2020, Court Reporter: Patricia Bath

- (assigned), estimated pages: none provided (deemed less than 100); and
3. Sealed hearing on conflict of interest in *Lori Norene Vallow a/k/a Lori Norene Daybell*, Case No. CR22-20-0838, held on July 28, 2020, Court Reporter: Patricia Bath (assigned), estimated pages: none provided (deemed less than 100).

IT IS FURTHER ORDERED that the District Court Clerk shall submit to this Court and counsel at the same time as the sealed transcripts, the items listed below as CONFIDENTIAL EXHIBITS, items which were NOT submitted with the Amended Motion, and are not contained in this record on appeal:

1. Sealed Motion to Intervene, filed August 25, 2021, in *State v. Chad Guy Daybell*, CR22-21-1623, to be paginated starting at Conf. Aug Rec., p. 34 *et seq.*; and
2. State's Exhibit 4, an audio recording admitted at the sealed September 8, 2021 Hearing on the State's Motion to Disqualify Counsel in *State v. Chad Guy Daybell* CR22-21-1623 (See Conf. Tr. 9/8/21, at 34 (Admitting State's Ex. 4.)).

IT IS FURTHER ORDERED that the augmentation record shall include the item listed below, a copy of which accompanied the Amended Motion to Augment, and should not be provided by the District Court Clerk:

1. Partial Clerk's Record on Appeal in *State v. Chad Guy Daybell*, CR22-21-1623, paginated as Aug. Rec., pp. 1-436.

IT IS FURTHER ORDERED that the augmentation record shall include the items listed below as a CONFIDENTIAL EXHIBITS, copies of which accompanied the Amended Motion to Augment, and should not be provided by the District Court Clerk:

1. Sealed Transcript of August 30, 2021, Motion Hearing filed in *State v. Chad Guy Daybell*, CR22-21-1624 (filed on July 5, 2024)(Conf. Aug. Tr. 8/30/21);
2. Sealed Transcript of October 8, 2021, Ex Parte Hearing filed in *State v. Chad Guy Daybell*, No. CR22-21-1624 (filed on July 17, 2024)(Conf. Aug. Tr. 10/8/21);
3. Sealed State's Memorandum Re: Issue of Conflict, filed July 28, 2020, in *State v. Lori Norene Vallow a/k/a Lori Norene Daybell*,. CR22-20-0838; paginated as Conf. Aug. Rec., pp. 1-7; and
4. Sealed Defendant's Memorandum in Re: Conflict Issue, filed July 28, 2020, in *State v. Lori Norene Vallow a/k/a Lori Norene Daybell*, CR22-20-0838; paginated as Conf. Aug. Rec. pp. 8-33.

IT IS FURTHER ORDERED that Appellant's Motion to Augment and Suspend the Briefing Schedule filed on January 20, 2025, and *Amended* Motion to Augment and Suspend the Briefing Schedule shall be SEALED by this Court as they include attachments that were sealed by the District Court in Fremont County Case No. CR22-21-1624. Redacted copies of

the motions, removing exhibits A and B, shall be made available for public view by the Clerk's Office.

IT IS FURTHER ORDERED that Appellant's MOTION TO SUSPEND THE BRIEFING SCHEDULE is GRANTED. Proceedings in this appeal shall be SUSPENDED until the transcripts and confidential exhibits listed above are filed with this Court, at which time the due date for filing Appellant's Brief shall be reset on a sixth extension of time.

Dated February 18, 2025.

By Order of the Supreme Court

A handwritten signature in black ink that reads "Melanie Gagnepain". The signature is written in a cursive, flowing style.

Melanie Gagnepain
Clerk of the Courts

cc: Counsel of Record
District Court Clerk
Court Reporter
District Court Judge