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**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,

vs.

LORI NORENE VALLOW, AKA LORI
NORENE DAYBELL,

Defendant.

Case No.: CR22-20-0755

Case No.: CR22-20-0838

**RESPONSE TO DEFENDANT'S
"DECLARED MOTION FOR ORDER
DIRECTING ATTORNEY CLIENT
PRIVILEGE COMMUNICATIONS"**

The State of Idaho, by and through the Madison County Prosecutor's Office, acting as a special prosecutor in the above captioned case, hereby responds as follows:

1. The State of Idaho has no objection to the Defendant's request to meet with Counsel in person as long as proper Covid-19 safety precautions are followed. The State, however, does not substitute its own judgment for the Madison County Jail in regards to what safety precautions are necessary.

2. The State objects to the Defendant's request that security cameras in the jail be turned off during visits but does agree that no audio recordings should be made by the Madison County Jail of any such visits. The State has been informed by the jail that the security camera system does not record audio. The State is further aware that a virtual box can be drawn around the Defendant and her Counsel so that security personnel monitoring security cameras cannot see the Defendant and her Attorney and any items on the table in front of them while they are meeting.

3. The State objects to the Defendant's request for a cell-phone for the Defendant. Idaho Code 18-2510 lists cell-phones as a contraband item for individuals detained in a detention facility.

a. Idaho Code 18-2510(5)(c)(iv) prohibits any "telecommunication equipment or component hardware including, but not limited to, any device carried, worn or stored that is designed or intended to receive or transmit verbal or written messages, access or store data or connect electronically to the internet or any other electronic device that allows communications in any form." A list of prohibited devices in said statute includes cell-phones and laptops. The State is aware that the Defendants Lori Vallow Daybell and Chad Daybell both have access to laptops for the purpose of viewing Discovery. The State believes that said laptops are not capable of transmitting messages and are not able to connect to the internet and as such have been approved by the Madison and Fremont County jails.

b. The Defendant's Declared Motion for Order Directing Attorney Client Privilege Communications argues that the Defendant is being deprived of her Sixth Amendment rights due to the Defendant being required to use Telmate to communicate telephonically with Counsel. The Defendant already litigated these same facts at a bail reduction hearing on the Defendant's Amended Motion for Bond Reduction on or about May 1, 2020 in Madison County Case No. 33-20-0302. It should be noted that the Defendant provided this Court with the State's responses to the Defendant's initial bail reduction Motion and Amended Motion in that case but did not provide her own initial Motion and Amended Motion. (The State has attached the Defendant's Amended Motion and Counsel's Declaration in Support of Defendant's Amended Motion for Bond Reduction as State's Exhibit's 1 and 2. The State has also attached affidavits of Lieutenant Ron Ball and Lieutenant Jared Willmore as exhibits 3 and 4, which were both introduced when this matter was first litigated.) That Motion was denied due to the fact that the Defense provided no evidence that protected and privileged communications of the Defendant and her attorney were being recorded. The State respectfully requests that the Court take judicial notice of the Madison County Magistrate Court's decision on the Defendant's Amended Motion for Bond Reduction. The Defendant has provided no new evidence that she and her legal counsel are unable to have confidential telephonic communications via Telmate.

