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11 Attorney for LORI NORENE (DAYBELL) VALLOW

12 **IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF**
13 **THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT**

14 STATE OF IDAHO,
15 PLAINTIFF

16 Case No: CR22-20-0838
17 CR22-20-0755

18 Vs.

19 **2nd SUPPLEMENTAL DECLARATION OF**
20 **COUNSEL MARK L. MEANS IN SUPPORT OF**
21 **MOTION TO COMPEL**

22 LORI NORENE VALLOW (AKA LORI NORENE
23 VALLOW DAYBELL)
24 DEFENDANT
25 DOB: 1973

26 CHAD GUY DAYBELL
DEFENDANT
DOB: 1968

27 COMES NOW DEFENDANT LORI NORENE VALLOW (DAYBELL) by and through her attorney of
28 Record, Mark L. Means of Means Law Office, PLLC, and states in further support of the Motion to
29 Compel the following:

30 ICR 16 is clear on this matter. ICR 16 (f)(1) states the “attorney or defendant on whom a
31 request has been served ***MUST file and serve a written response within 14 days of service*** of the
32 request...” Here, by admission of the State they failed to comply with said rule. As a direct
33 result of this failure by the Prosecutor Wood to comply he has waived “...***any objections to the***
34 ***requests and is grounds for the imposition of sanctions by the Court.***” Prosecutor Wood
35 should not be allowed to slow-release discovery as he sees fit, attempt to hide his
36

1 communications with prospective witnesses through waived objections or should not be
2 permitted to misapply ICR 16 and use said rule as a shield to prevent or undermine the release of
3 relevant evidence to the Defense. This rule was designed for a prosecutor to be under the ethical
4 obligation to provide all evidence (statements) in his possession, whether that possession of
5 statements be on Prosecutor Wood’s personal or professional cellular phone, email, voice mail,
6 or facsimile. He has failed to do such and is attempting to avoid this obligation and or justify his
7 failure with this late response. The use of the words “Must file and serve...” “...objections must
8 be specific and stated all grounds for the objection...” “failure... constitutes a wavier of any
9 objections to the requests...” is the language that is clear in its directions to this Court on this
10 matter.

11 The waiver of any objection’s mandates that this Court orders Prosecutor Wood to
12 provide the requested discovery and impose sanctions as the Court deems appropriate to deter
13 this type of behavior by this Prosecuting Attorney.

14 DATED this 16 day of February 2021.

15 *M.L. Means*

16 _____
17 Mark L. Means
18 Advocate for Mrs. Lori Norene Vallow (Daybell)

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CERTIFICATE OF SERVICE

The undersigned certifies that on this 16 day of February 2021, I caused a true and correct copy of the FOREGOING document to be forwarded by the method(s) indicated below, to the following:

MADISON COUNTY PROSECUTING ATTORNEY x Efile
Email: mcpo@madison.id.us

Mr. John Prior x Efile
Email: john@jpriorlaw.com

DATED this 16 day of February 2021.

M.L. Means

Mark L. Means
Advocate for Mrs. Lori Norene Vallow (Daybell)