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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: CR 22-20-0838
17 CR 22-20-0755

18 Vs.

19 **MOTION RE: ORDER OF COMMITMENT I.C.**
20 **18-212 Lacks Fitness to**
21 **Proceed/Competency**

22 LORI NORENE VALLOW (AKA LORI NORENE
23 DAYBELL), and CHAD GUY DAYBELL
24 DEFENDANTS

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HEREBY comes Defendant Lori Norene Daybell by and through her Attorney of Record,
Mark L. Means of Means-Law and move this Court in regard to Order of Commitment I.C. 18-
212 as follows:

It appears, following the issuance of the above Order, that representatives of Director of
Idaho Department of Health and Welfare engaged in “ex parte” communications regarding said
order with the Prosecution regarding treatment, etc. of my client, the Defendant Mrs. Daybell
within including Defense Counsel.

As her legal counsel, Ms. Daybell’s rights as Defendant, given her fragile mental state of
incompetency, as a direct result of the historical and systematic mental, emotional, and

1 physical abuse she suffered, and well within the authority of this Court we request the Court
2 issue the following orders:

- 3 1. That all communications regarding my client’s treatment, transfer, and the like be
4 communicated jointly with her legal counsel not “ex parte” style with the
5 prosecution and presented, after the fact, to Defense Counsel as if the Prosecution
6 has more “say” in this matter than Defense Counsel.
- 7 2. That this Court order said Director to comply with the specific location of treatment
8 and detainment of Defendant, as set forth by the Court appointed Evaluator (as
9 evident in Evaluation Report). As similar to IDOC Orders/Judgments of the Court
10 this Court may order where detainment is to occur.
- 11 3. That said Director be ordered to allow unfettered private and confidential access to
12 my client by this office without any undue delays, denial, interference, recording, to
13 avoid the Constitutional violations that have occurred, previously, such as the
14 approximate six (6) months of denial of access to my client when detained by
15 Madison County, recording of confidential communications, access of these
16 confidential communications by Madison Detectives, Prosecution, etc.

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20 In addition, given the fact that Defendant is indigent, and funds have not been
21 made available or denied for Defense Counsel’s fees or costs (for example:
22 subpoena expense of Mrs. Melanie Gibb, subpoena expenses of Madison Sheriff
23 Department, subpoena expenses of Mrs. Heather Daybell, multiple external hard
24 drives purchases, previously demanded by the Prosecution be presented to said
25 prosecution to facilitate discovery responses, including travel to from Prosecution’s
26

1 office to facilitate these mandatory responses of the prosecution) were direct costs
2 of Counsel to further protect Defendant's rights to a fair trial), interruptions or
3 denial of access to client is an unnecessary and direct personal financial costs of
4 Counsel, that can easily be avoided by Order of this Court.
5

- 6 4. Given the incredible "cure" rate of said Department in regard to treatment of
7 previously deemed incompetent defendants, that all individuals involved with the
8 treatment of Defendant be identified and their credentials presented to Defense
9 Counsel in advance of any treatment or the like of defendant.
10
- 11 5. That any proposed treatment information/plans/course/medications be presented
12 to Defense Counsel prior to the implementation of treatment, medication, or the
13 like.
14
- 15 6. That the treatment be in compliance with the recommendations of the Court
16 appointed Evaluator as evident by the report provided to Court.
17
- 18 7. That my client's rights, protected by the U.S. Constitution of self-incrimination, (5th
19 Amendment) be protected and enforced at all times and that no communications,
20 within treatment or outside of treatment, or the like, be engaged with Defendant, at
21 any time, outside of Defense Counsel presence or without Defense Counsel's
22 express authorization.
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1 8. That a “gag” order be issued, by this Court, to this Director and to any of the
2 Director’s employees, state officials, treating personal, and or individuals involved
3 with the “day to day” treatment, detainment, supervision of the Defendant.¹
4

5 9. Further order of the Court as Deemed fit, necessary, and proper by this Court.

6 If the Court would like to address these concerns, Counsel would request oral
7 arguments be heard prior to any transfer of custody of Defendant from Madison
8 Detention Center/Sheriff’s Department to the Director of Idaho Department of Health
9 and Welfare.
10

11 **That I Certify (or declare) under penalty of perjury pursuant to the Law of the State of
Idaho that the foregoing is true and correct.**

12 DATED this 11 day of June 2021.

13
14 *M.L. Means*

15 _____
16 Mark L. Means
17 Advocate for Mrs. Lori Daybell
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25 _____
26 1 Please see previously filed Declaration of Madison County Sheriff’s
Deputies discussing Defendant’s abnormal behavior with Dateline Correspondent
Keith Morrison and said Sheriff’s Department failure to comply with previous
and recent subpoena for information regarding said discussions.

CERTIFICATE OF SERVICE

The undersigned certifies that on this 11 day of June 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
Email: mcpo@madison.id.us

x_____ Efile

Mr. John Prior
Email: john@jpriorlaw.com

x_____ Efile

DATED this 11 day of June 2021.

M.L. Means

Mark L. Means
Advocate for Mrs. Lori Daybell