

1 Mark L. Means (ISB 7530)
2 MEANS LAW and MEDIATION
3 MEANS-LAW
4 429 SW 5th Ave, Suite 110
5 Meridian, ID 83642
6 Telephone: 208.794.3111
7 Facsimile: 1.866.228.3429
8 Email: mlm@means-law.com
9 Icourt Email: icourtlaw@gmail.com & mlm@means-law.com
10 Website: www.means-law.com
11 Attorney for LORI NORENE (DAYBELL) VALLOW

7 **IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF**
8 **THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT**

9 STATE OF IDAHO,
10 PLAINTIFF

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

11 Vs.

12 LORI NORENE VALLOW,
13 CHAD GUY DAYBELL
14 DEFENDANTS

**OBJECTION TO PLAINTIFF'S MOTION RE:
PRO HAC VICE ADMISSION**

15
16
17 COMES NOW DEFENDANT LORI NORENE VALLOW (DAYBELL) and objects to this COURT hearing
18 Plaintiff's Motion re: Pro Hac Vice and or granting said motion as follows:

- 19
1. **BARRED FROM HEARING MOTION**: Motion is barred (suspended) from hearing as result of
20 previous Court Order(s).
 2. **THIS COURT LACKS JURISDICTION TO GRANT MOTION**: Plaintiff is attempting to put the
21 "cart before the horse". No charges, others than those presently before the Court are
22 subject to this Court's jurisdiction and review when considering this Motion. Court
23 consideration of published "threatened" future charges are not before this Court and
24 therefore not grounds for granting this motion.
- 25
26

1 In summary, the Prosecution has clearly placed the "cart before the horse" and as such
2 is asking for speculation(s) by this Court to justify this motion. This matter is a
3 concealment/conspiracy to conceal case and nothing more. Consideration of nonexistent
4 "charges" would be improper and an abuse of discretion. The current charges are not
5 presented as expertise of Ms. Smith.

- 6 3. **WAIVED RIGHTED:** Prosecutor Robert Wood is the public prosecutor for Madison County,
7 State of Idaho. He is elected and obligated to perform prosecution of "crimes" as his duty.
8 Said prosecutor filed with the Court¹ his motion to be appointed as a "Special Prosecutor"
9 for this Case outside of Madison County, State of Idaho. At the time he filed said motion he
10 was aware of his staff and office capabilities, again prior to appointment as special
11 prosecutor. He has waived any motion for additional retention of counsel in this matter by
12 asserting his "capabilities" to handle said matter. Put aside the tremendous financial cost to
13 the County/State, Mr. Wood represented to the Court that "he" and or Madison County
could prosecute this case without bringing in "*pitch hitter*" to do his elected "job".

14 It is beyond reason that if Mr. Wood is unable to prosecute this matter, it should be
15 returned to the Fremont County Prosecutor's office and or referred to the Idaho State
16 Attorney General's office.² This should be a mandatory referral prior to incurring this
exorbitant costs for an outside private counsel, hand selected by Mr. Wood.

17 As a Citizen of Idaho, I object to this outlandish and unnecessary expense when Mr.
18 Wood has sought this appointment and is currently compensated to perform this exact
19 "job". If he is unable or unwilling to perform his employment duties he should resign and
20 allow any of the deputy prosecutors at his disposal to handle this case.

21 4. **LACK OF GROUNDS ASSERTED TO GRANT MOTION/LACK OF EXPERTISE:**

22 There is no grounds whatsoever, before the Court, asserted by Mr. Wood regarding Ms.
23 Smith's qualification in assistance with Concealment/Conspiracy to Conceal cases. Her

24 1 Court, again, granted this special requests Motion without allowing an
25 objection from Defendants or taking arguments. This motion was filed
Thursday with hearing on the following Monday. Precedent of rushed turn
around hearings on matters brought by prosecution is a concern.

26 2 Which are specifically available to assist lower populations counties with
these matters.

1 costly appointment is unnecessary and without support on the record. The current record
2 clearly illustrates that Mr. Wood is attempting to cast off his duties to *private counsel* hired
3 at state expenses for “alleged” potential future charges. These are the undeniable facts,
4 and the facts warrant denial of this motion.³

- 5 5. **PRECEDENT**: Mr. Wood is asking the Court to set a dangerous precedent. That precedent
6 being when a Public County Prosecutor, elected and compensated for performing this public
7 “service”, is unable, incompetent, or unwilling to prosecute a case, that said public servant
8 shall have the rights, at *public taxpayer expense*, to *hire private out of state counsel to*
9 *prosecute a case with a blank check obligated for payment by the tax payers*. And requesting
10 this right by ignoring the readily available Idaho Attorney General office and Fremont
11 Prosecutor’s office. Both are, until proven otherwise by Mr. Wood, are readily available to
12 assist and or take over duties of this case.

13 Furthermore, if granted, the precedent is set to allow Defense Counsel to be
14 compensated at the rate of Ms. Smith, which is undisclosed at this time by Mr. Wood. This
15 “pitch hitter” rate of compensation, resume, curriculum vitae, etc. should have been
16 presented to the Court in formal fashion more so than the simple two (2) page motion with
17 unsupported assertions. Said motion is lacking affidavits, declarations, or attachments to
18 support its relief. Summary, the position of Prosecution is unsupported, and this motion
19 must be denied.

- 20 6. **NOTICE OF INTENT/CONFLICT OF INTEREST/IMPLIED WAIVER**: Furthermore, Prosecutor
21 Robert Wood has made himself a mandatory essential witness in this matter. His
22 statements to multiple witnesses are clearly relevant, mitigating, and exculpatory for
23 Defendant Lori Vallow (Daybell).

24 As stated before, Defendant will call Mr. Wood as a witness in this matter, as is her
25 constitutionally protected right. Mr. Wood and any following Counsel for Plaintiff in this
26 matter must understand any and all statements by Mr. Wood are subject to production via
27 discovery. These communications are NOT protected and thereby is an implied waiver of

3 Smithlawconsluting.com list practice areas for Ms. Smith as Civil
Litigation, Investigation/Reviews and Consulting. No specific mention of
specific areas of relevance to the current charges before this Court.

1 any following objection for any forthcoming counsel/pro hac vice, with communications
2 between Mr. Wood and Ms. Smith, etc.

3
4 **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.**

5 DATED this 22 day of March 2021.

6 

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

CERTIFICATE OF SERVICE

The undersigned certifies that on this 22 day of March 2021, I caused a true and correct copy of the FOREGOING document to be forwarded by the method(s) indicated below, to the following:

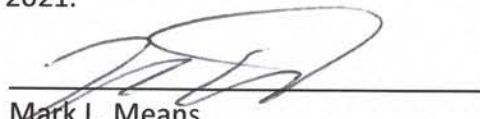
MADISON COUNTY PROSECUTING ATTORNEY
Email: mcpo@madison.id.us

x Efile

Mr. John Prior
Email: john@jpriorlaw.com

x Efile

DATED this 22 day of March 2021.



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

LETTER: Prosecutor explains why he needs additional help in Daybell case



Eric Grossarth, EastIdahoNews.com

Daybell Case

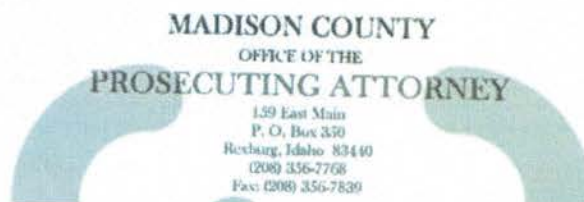
Published at 1:24 pm, March 19, 2021



File photo

REXBURG — Madison County Prosecutor Rob Wood sent a letter on Tuesday to Madison County Commissioners explaining why he needs help in the Daybell case.

You can read the entire letter below.



Civil Deputy
Troy D. Evans

Criminal Deputy
Spencer Bammell

Criminal Deputy
Quinn P. Merrill

Prosecuting Attorney
Rob H. Wood

Criminal Deputy
Sid D. Brown

Criminal Deputy
Melanie Cole

March 16, 2012

To: Madison County Idaho Board of Commissioners
From: Robert Wood, Prosecuting Attorney
Re: Additional Resources

Dear Commissioners:

I wanted to give you an update regarding an additional, temporary prosecutor to assist our team with the Chad and Lori Daybell matter. Few offices our size across the country have the manpower to manage a case of this magnitude without sacrificing their day-to-day obligations. The temporary addition of an experienced prosecutor to work on the Daybell case will enable us to meet the increased manpower demands during the duration of this high-profile matter and ensure justice for the victims and the people of Madison County.

I'm pleased to share that Rachel Smith, a veteran homicide prosecutor, has joined our team on a contract basis. Ms. Smith has 25 years of experience in complex criminal litigation. She has prosecuted thousands of felony cases in her career, including over 100 homicide and death penalty cases. Smith currently works as a special prosecutor throughout Missouri assisting other elected prosecutors with their complex criminal cases. In addition, she served in Missouri Attorney General's Office as a special prosecutor where she traveled the State of Missouri to handle capital, homicide and public corruption investigations and cases.

Ms. Smith is an Adjunct Professor and Clinical Co-Director for Washington University School of Law. She served at the National Association of Attorney General's trial school as an instructor, along with training hundreds of law enforcement officers and prosecutors throughout her career on criminal procedure and best practices. Smith also serves as an Expert for the Prosecutors' Center for Excellence, a national "think tank" based in Manhattan. Prior to starting her own practice, Smith served for almost two decades as an executive-level prosecutor in the City of St. Louis Circuit Attorney's Office, serving for 16 years under former Circuit Attorney Jennifer M. Joyce, who referred Ms. Smith to our office. Ms. Joyce, along with Susan Ryan work as consultants with Vera Causa Group, which is also supporting our office during the prosecution of the Daybell matter.

Ms. Smith is licensed to practice in Missouri and, accordingly, we will be asking the court to admit her to practice in Idaho *pro hac vice* by permission of the courts pursuant to IBCR 227, which allows attorneys to practice law in another state for a particular matter.

Page 1 of 2

There is also a long-term benefit to having Ms. Smith as part of our team for the next several months. While we have an excellent staff of skilled prosecutors in the office and our community enjoys relatively low crime rates, the criminal litigation experience and teaching instruction Ms. Smith brings with her will help prepare our team for future complex situations if and when they arise.

Please let me know if you have any questions.

Regards,


Rob Wood
Madison County Prosecuting Attorney

EAST IDAHO NEWS .COM

Page 2 of 2

[SUBMIT A CORRECTION](#)

