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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,

v.

CHAD GUY DAYBELL,

Defendant.

Case No.: CR22-21-1623

**RESPONSE TO MOTION FOR  
DISCOVERY CONCERNING EVENTS  
THAT WERE REVEALED IN LORI  
VALLOW'S MOTION DATED  
OCTOBER 27, 2021**

The State of Idaho provides the following response and objection to Defendant Daybell's Motion and respectfully requests this Court deny the Motion and vacate any hearing in this matter based on the following:

**PROCEDURAL HISTORY**

Defendant Vallow Daybell was found incompetent in the companion case, CR22-21-1624.1 After this finding, Defendant Vallow Daybell was referred for restorative treatment pursuant to Idaho Code §18-212. Proceedings on the competency issues have been sealed.

During a hearing in case CR22-21-1624, Prosecutor Wood informed this Court and

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<sup>1</sup> While Co-defendants, Lori Norene Vallow AKA Lori Norene Daybell and Chad Guy Daybell have been assigned separate case numbers, this Court has consistently indicated that these matters are one case for trial. The State has a standing objection to the Co-defendants having separate case numbers and separate proceedings leading up to trial.

counsel for Lori Vallow Daybell he had received communication from a private attorney in the State of Utah regarding Defendant Vallow Daybell reaching out to that attorney. There was nothing relayed to the State regarding any exculpatory statements made by Defendant Vallow Daybell. The State notified counsel and this Court out of an abundance of caution and as a professional courtesy. Prior to that hearing, it is the State's understanding that one of the attorneys for Defendant Vallow Daybell had spoken with an attorney at the same firm regarding the conversation.

Co-counsel for Defendant Lori Vallow Daybell, Mark Means, filed his Declared Motion(s) Re: (1) Motion for State to Disclose Brady Violations Disclosures; (2) Motion for Criminal Deposition(s); (3) Motion for out-of-state subpoena(s); and (4) Motion to Disqualify Idaho Department of Health and Welfare on October 27, 2021.<sup>2</sup> This was the first the State was made aware of any of the allegations regarding an employee from the State Hospital directing Defendant Vallow Daybell to make contact with a private attorney.<sup>3</sup> Shortly thereafter, Defendant Daybell filed his motion.

### **ARGUMENT**

Defendant Daybell is requesting discovery materials and information not allowed for under Idaho Criminal Rule 16, unknown to the State, or not within the State's possession and control. In addition, Defendant Daybell appears to be attempting to impose additional requirements on the State with regard to its obligation to comply with discovery requests and

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<sup>2</sup> This Motion is referred to by Defendant Daybell as Lori Vallow's Motion dated October 27, 2021. It is referred to by the State as Motion for Disclosures. This Motion was only filed by Co-counsel Means and in no way indicated his Co-counsel signed off on the Motion.

<sup>3</sup> The State was without any information regarding these allegations outside of what was contained in the Motion for Disclosures which didn't provide any evidence or support for the allegations. Since then the State and the Defense Counsel for Defendant Lori Daybell has been provided additional information from the Idaho Department of Health and Welfare which contradicts the allegations in Mark Means' Motion for Disclosures, but which was provided under seal, and is not within the State's discretion to disclose.



























