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**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISCTRICT
FOR THE STATE OF IDAHO, COUNTY OF FREMONT**

STATE OF IDAHO,)	Case No. CR22-21-1624
Plaintiff,)	
v.)	MOTION FOR INDIVIDUAL
)	DIRE ON
LORI NORENE VALLOW, aka LORI)	SENSITIVE SUBJECTS
NORENE VALLOW DAYBELL)	
Defendant.)	

NOW COMES the defendant, LORI NORENE VALLOW, by and through counsel of record, R. JAMES ARCHIBALD and JOHN THOMAS and hereby respectfully requests this Court to allow counsel to voir dire the prospective jurors individually, separate and apart each from the other, and to sequester the jurors from the courtroom during the voir dire when the jurors are being questioned about certain sensitive matters, such as questions about punishment, publicity or mental health issues,

domestic violence, or drug use. Such a procedure is necessary in order to prevent the jury panel from hearing questions being asked individual jurors with regard to these sensitive areas.

Collective voir dire of jurors in panels as to their familiarity with the crime, the victims, or the prior legal proceedings in this case, will educate all jurors to prejudicial and incompetent material, thereby rendering it impossible to select a fair and impartial jury.

The issues in the case require that the voir dire include sensitive and potentially embarrassing questions exploring the prospective juror's experience, knowledge, biases or prejudices in reference to capital punishment, mental health issues, domestic violence issues, and pre-trial publicity.) Having collective voir dire on these selected subjects runs the risk of tainting jurors who might hear prejudicial comments from other jurors. Unless individual voir dire is allowed on certain subjects, the answers of some jurors might be tainted by being exposed to their fellow veniremen's answers and by seeing which answers result in persons being dismissed from jury service. Collective voir dire of jurors concerning every subject will preclude the candor and honesty on the part of jurors which is necessary in order for counsel to exercise intelligently their peremptory challenges, as well as challenges for cause.

WHEREFORE, defendant prays that the Court order an individual voir dire for certain sensitive subjects, including questions about publicity, capital punishment mental health issues, domestic violence and drug use. Defendant requests that as to these issues,

each prospective juror would be examined separately and privately concerning those subjects. Such a procedure is necessary in order to ensure the defendant's rights under the Sixth, Eighth and Fourteenth Amendments of the United States Constitution, and Article I, Sections 1, 6, 13 and 18 of the Idaho Constitution.

This the 24th day of January, 2023.

_____/s/_____
R. JAMES ARCHIBALD
Lead Counsel for Lori Vallow Daybell

_____/s/_____
JOHN THOMAS
Co- Counsel for Lori Vallow Daybell

CERTIFICATE OF SERVICE

I certify that I served a copy of the foregoing **Motion for Individual Voir Dire on Sensitive Subjects** by Eservice:

Lindsey Blake
Fremont County Prosecuting Attorney

Rob Wood
Madison County Prosecuting Attorney

This the 24th day of January, 2023.

_____/s/_____
John Thomas