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

<p>STATE OF IDAHO, Plaintiff, vs. LORI VALLOW DAYBELL, Defendant.</p>	<p>Case No. CR22-21-1624</p> <p>OBJECTION TO STATE'S MOTION RE MENTAL HEALTH EVIDENCE</p>
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Come now the attorneys for the Defendant, and object to the State's Motion re Mental Health Evidence, filed January 26, 2023, as follows:

1. The Defendant has determined that at the guilt phase portion of the upcoming trial, no expert witnesses will be called by the defense which will support a claim under Idaho Code 18-207.
2. Idaho Code 18-207 provides that mental illness is not a defense to a crime, but mental illness evidence can be presented if it negates an element of a crime. The Defendant has never made any concession or admission that she is guilty of a crime. Therefore, if no crime was committed by her, there is nothing to negate.
3. The Court and the State has received all of the written reports regarding Defendant's mental illness which are possessed by the defense. All of the reports would include the reports from Dr. Landers, the four doctors employed by or who contracted with the Idaho Department of Health and Welfare at State Hospital North, and the defense expert, Dr. Cunningham. All of these mental health experts agree that Defendant suffers from a mental illness in varying degrees. Therefore, the State cannot argue to the jury, and the Court could not agree, that she is free from mental illness, because that would contradict the evidence.
4. The mental illness reports have been determined by the defense that they go more to mitigation than to guilt or innocence. Defendant believes that she will be acquitted of all charges and that the penalty phase will not be necessary. However, if Defendant is convicted by a jury, it would then be an appropriate time to present the mental illness evidence to the jury in consideration of the potential penalty.
5. The defense experts, Drs Cunningham and Watson, have been asked by the undersigned attorneys to provide a summary report for a potential sentencing hearing in this case. All mitigation evidence is relevant and admissible at sentencing. As soon

