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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.

LORI NORENE VALLOW AKA  
LORI NORENE DAYBELL,

Defendant.

Case No.: CR22-21-1624

**RESPONSE TO DEFENDANT'S  
REQUEST FOR INDIVIDUAL  
VOIR DIRE**

The State of Idaho, by and through the Fremont County Prosecuting Attorney's Office, hereby responds as follows to the Defendant's Motion for Individual Voir Dire. The State joins in part and objects in part to the Defendant's request for individual voir.

The nature and complexity of this co-defendant, co-conspirator triple homicide where a jury may consider the death penalty necessitates a voir dire process which allows the Court and all parties to ascertain individual jurors' opinions on certain sensitive topics. Therefore, the State joins in the Defendant's request for some individual voir dire of the venire panel but requests that it be done in small panels.

Trial courts have broad discretion in handling voir dire and their decisions will withstand appellate scrutiny absent a showing of an abuse of that discretion. In capital cases in Idaho the Courts have approved both individual voir dire and voir dire in panels of veniremen. In determining the form of voir dire, the Court must consider several factors including fairness to the parties, fairness to the

RESPONSE TO DEFENDANT'S MOTION FOR INDIVIDUAL VOIR DIRE

veniremen, the atmosphere created in the courtroom to encourage candor and forthright answers, the pressure individual jurors feel to provide answers, the sensitivity of the topics covered and judicial economy.

The State suggests that the Court can balance these factors best by conducting a voir dire that is a combination of individual and panel questioning. By allowing questioning of veniremen split into small groups with a limited number of individuals (panels of 6, 12 or 18 are often used), the Court can increase efficiency by limiting the repetitive questions asked of jurors by all three parties. Further jurors are not isolated from their peers, feeling pressure from the questioning of three sets of attorneys and the Court and are often able to listen and understand questions in context. General questions on the issue of punishment, case specific topics and basic legal principles are best asked of the small panels. Specific individual questions are then asked of each individual juror as to their personal answers in court and on their questionnaires. If the individual requests a private conversation with the parties or the court, those individuals are then questioned without the rest of panel present. Using a combination of panel questioning on general or broader topics and individual questioning for juror specific topics will allow the Court move more quickly through the jury selection process while protecting all parties' rights to fair trial.

The State requests the Court use a combined process of both panel (group) and individual voir dire.

RESPECTFULLY SUBMITTED this 2nd day of February, 2023.

/s/Lindsey A. Blak  
Lindsey A. Blake  
Fremont County Prosecutor

/s/Rob H. Wood  
Rob H. Wood  
Madison County Prosecutor

CERTIFICATE

I HEREBY CERTIFY that on this 2<sup>nd</sup> day of February, 2023, tat a copy of the foregoing Response was served as follows:

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Tiffany Mecham