

**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 VALLOW DAYBELL,

Defendant.

Case No. CR22-21-1624

**MEMORANDUM DECISION
and ORDER**

*on Defendant's Motion to Dismiss
for lack of Speedy Trial*

On January 26, 2023, the Defendant Lori Norene Vallow Daybell filed a MOTION TO DISMISS FOR LACK OF SPEEDY TRIAL. On February 2, 2023, the State filed an OBJECTION to the motion. On February 9, 2023, the Court called the motion for hearing and took the matter under advisement to issue a written ruling. Having considered the parties' arguments and relevant legal authority the Court orders as follows.

I. PROCEDURAL BACKGROUND

Madison County Case No. CR33-20-0302¹

On February 20, 2020, Lori Norene Vallow Daybell ("Lori"), was arrested in the State of Hawaii on a warrant issued from Madison County, Idaho. Bail on the arrest warrant was set at \$5,000,000.00. On March 4, 2020, Lori filed a MOTION FOR BOND REDUCTION to be argued at an initial appearance scheduled for March 6, 2020. Bail was reduced to \$1,000,000.00 by order of the Court on March 6, 2020. On May 1, 2020, Lori filed another MOTION TO REDUCE BOND. On May 5, 2020, the magistrate denied the motion, leaving bail set at \$1,000,000.00. On July 20, 2020, the court issued a SECOND AMENDED ORDER REDUCING BAIL AND CONDITIONS OF RELEASE further

¹ See generally, Madison County Case No. CR33-20-0302.

reducing bail to \$150,000.00. On January 04, 2021, Lori filed a written waiver of speedy trial. On December 30, 2021, the State of Idaho made a motion to dismiss the case, and an ORDER dismissing the case was granted on January 3, 2022.

Fremont County Case No. CR22-20-0838 (“0838 case”)²

On June 29, 2020, the State of Idaho filed a COMPLAINT charging Lori with two counts of Conspiracy to Commit Destruction, Alteration, or Concealment of Evidence and served an arrest warrant upon Lori with bond set at \$1,000,000.00. On December 17, 2020, Lori filed a written waiver of Speedy Trial. On July 28, 2021, the State of Idaho filed a MOTION TO DISMISS the case. On July 29, 2021, the Court entered an ORDER OF DISMISSAL, dismissing the case without prejudice.

Fremont County Case No. CR22-21-1624³

On May 25, 2021, a Fremont County Grand Jury returned an INDICTMENT charging Lori as a co-conspirator with Chad Guy Daybell (“Chad”) in the commission of several crimes—including two counts of first-degree murder.⁴ The arrest warrant served on the INDICTMENT was a “no bail” warrant. Notably, before Lori could be arraigned in district court on the INDICTMENT, pursuant to Idaho Code § 18–212, this Court found Lori was legally incompetent to stand trial and committed her to IDHW for care and treatment.⁵ Accordingly, on June 9, 2021, the Court entered an order staying all cases pending her commitment for restoration treatment. On April 11, 2022, Lori was found competent and fit to proceed to trial. This Court lifted the stay of her case and ordered her to appear before the Court for arraignment on April 19, 2022. During arraignment, the Court

² See generally, Fremont County Case No. CR22-20-0838.

³ See generally, Fremont County Case No. CR22-21-1624.

⁴ INDICTMENT, CR22-21-1624, May 25, 2021.

⁵ The original order for commitment was filed in Fremont County Case CR22-20-838. See ORDER STAYING CASE, Fremont County Case No. CR22-21-1624, June 9, 2021.

advised Lori of her rights and subsequently set her trial for October 11, 2022.⁶ On May 2, 2022, the State filed a motion requesting the Court to continue Lori's trial to January 9, 2023, to track with her named co-conspirator Chad's jury trial and in order to avoid an improper severance of the alleged co-conspirators' cases. On May 12, 2022, Lori filed a response to the State's motion, stating that she did not waive her right to a speedy trial, and that she understood the continuance would provide her defense team additional time to prepare her defense. On May 19, 2022, the Court heard the parties in oral argument. On May 26, 2022, this Court entered a MEMORANDUM DECISION AND ORDER, finding "good cause" to grant the State's motion to continue trial to prevent an improper severance from alleged co-conspirator/co-defendant Chad Guy Daybell's trial.⁷

On September 30, 2022, counsel for Lori filed a motion under seal, requesting the Court to continue trial and toll timeframes and to enter a stay of the case in order to again determine the question of Lori's competency to stand trial. On October 6, 2022, the Court entered an ORDER STAYING CASE AND FOR EXAMINATION OF DEFENDANT.⁸ On November 15, 2022, after considering conflicting evidence, the Court entered an ORDER determining Lori was competent to stand trial and lifted the stay of the case. Again, it is important to clarify that during the time Lori's case was stayed pending determination of her competency to stand trial, the January 9, 2023 trial setting was necessarily vacated.⁹ On December 16, 2023, the Court entered a NOTICE OF TRIAL SETTING, PRE-TRIAL CONFERENCE, AND SCHEDULING ORDER GOVERNING FURTHER PROCEEDINGS setting trial to begin April 3, 2023. On January 26, 2023, Lori filed a MOTION TO DISMISS FOR LACK OF

⁶ Lori's named co-conspirator, Chad, had previously had filed a motion to sever the cases. This Court denied that motion, stating that the defendants were properly joined. Chad's trial was set to commence January 9, 2023; subsequent to her Chad filed a Motion to Continue Trial on September 27, 2022. On October 28, 2022, the Court entered a Memorandum Decision and Order granting Chad's Motion to Continue, in part predicated upon the October 6, 2022 stay entered in this case in order to avoid forcing a severance of the companion cases.

⁷ See fn. 6, *supra*.

⁸ *Id.*

⁹ See fn. 6, *supra*.

