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

STATE OF IDAHO,)	Case No. CR22-21-1624
Plaintiff,)	
v.)	MOTION TO COMPEL
)	
LORI NORENE VALLOW, aka LORI)	
NORENE VALLOW DAYBELL)	
Defendant.)	
_____)	

COMES NOW, Defendant, LORI NORENE VALLOW DAYBELL, by and through her attorney's of record, R.JAMES ARCHIBALD and JOHN THOMAS, and motions this court for an Order compelling the Government to disclose all unidentified information as requested by R. JAMES ARCHIBALD pursuant to Rule 16(b) of the Idaho Criminal Rules as specified in his Request for Discovery on August 9, 2021.

Rule 16 requires the prosecuting attorney, at any time following the filing of charges, on written request of the defendant, to disclose the following information, evidence and material to the defendant: . . .

(2) Statement of a Co-Defendant. On written request of the defendant, the prosecuting attorney must permit the defendant to inspect and copy or photograph:

(A) any written or recorded statements of a co defendant;

Upon information and belief, the State is withholding material evidence that is not in the possession of the defendant and is needed for preparation of trial.

The defendant's counsel on March 6, 2023 was provided two audio files containing approximately 60 minutes of audio statements of Co-Defendant, CHAD GUY DAYBELL, and what counsel believes are conversations with individuals identified as witnesses in the case. It is the belief of the defendant that the State of Idaho may be in possession, as a conservative estimate based on the number of weeks that Co-Defendant has been in jail pretrial, of over 100 hours (One Hundred Hours) of audio recordings of a Co-Defendant that has not been turned over to the defense in this case. Based on the nature of the conversations heard by counsel for LORI NORENE VALLOW DAYBELL, there are likely materials within the same that may be material to either guilt or punishment as outlined by *Brady v Maryland 373 U.S. 83 (1963)* and its progeny. The Defendant will not, nor should we be compelled to, discuss in this motion our theories as to why we believe this information is potentially material. Simply put, the defense doesn't know what the defense doesn't have. The State of Idaho is required by Court Rule to turn over all evidence pursuant to Rule 16.

As the Court will recall, this Court admonished the State previously in another hearing regarding the need to turn over all evidence under Rule 16, as the defense for LORI NORENE VALLOW DAYBELL argued that the State of Idaho was "damming up discovery and releasing it at its convenience". The State indicated that it had "turned over the bulk of the discovery". Now, here we are again. The Defense is now requesting that

this Honorable Court compel the State of Idaho to turn over all statements of Co-Defendant's in this matter. **Defendants Request for Discovery attached as Exhibit A.**

For the forgoing reasons, the Defense respectfully requests that the Court require that State of Idaho to turn over all material requested pursuant to Rule 16 of the Idaho Criminal Rules.

FURTHERMORE, The defense requests, based on the multitude of the discovery violations, the late disclosure and practical impossibility of the Defense being able to review the statements of Co-Defendant CHAD GUY DAYBELL, and any other discovery that the State is required to produce, that the Court DISMISS the Defendant's case.

_____/s/_____
John Thomas
Co-Counsel for Defendant
Lori Norene Vallow Daybell

_____/s/_____
Jim Archibald
Lead Counsel for Defendant
Lori Norene Vallow Daybell

CERTIFICATE OF SERVICE

I hereby certify that on this day I served a true and correct copy of the foregoing document on the following by the method of delivery indicated:

Lindsey A. Blake, Esq.

Efile and serve

Rob H. Wood, Esq.

Efile and serve

Dated this 6 day of March, 2023.

/s/ John Thomas
John Thomas, Esq.

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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 REQUEST FOR DISCOVERY</p>
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Pursuant to Rule 16, Idaho Criminal Rules, Defendant requests discovery and inspection of the following information, evidence and material:

1. Statement of defendant.
2. Statement of a co-defendant.
3. Defendant's prior record.
4. Documents and tangible objects.
5. Reports of examinations and tests.
6. State witnesses.
7. Expert witnesses.



8. Police reports.
9. Any and all audio and video recordings of the incident including interviews investigating the incident.

Dated: August 9, 2021

/s/ Jim Archibald
R. James Archibald, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on this day I served a true and correct copy of the foregoing document on the following by the method of delivery indicated:

Lindsey A. Blake, Esq. Rob H. Wood, Esq.	Efile and serve
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Mark L. Means, Esq.	Efile and serve
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Dated: August 9, 2021

/s/ Jim Archibald
R. James Archibald, Esq.