

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,
vs.
Lori Norene Vallow
Defendant.

Case No. CR22-21-1624

Court Minutes

JUDGE: Boyce, Steven W.
CLERK: Becky Harrigfeld
HEARING TYPE: Oral Decision

DATE: March 21, 2023
LOCATION:
COURT REPORTER: Patti Bath
INTERPRETER:

Parties Present:

State of Idaho Attorney: Lindsey Anne Blake, Rob Wood
Lori Norene Vallow Attorney: R. James Archibald, John Thomas

942 Court is in session. Rob Wood, Tawnya Rawlings, Rachel Smith & Spencer Rammell are appearing on behalf of the State. Lindsey Blake is appearing via Zoom. Jim Archibald and John Thomas are appearing along with their client, Lori Vallow. Court goes over the Order Governing Courtroom Conduct, specifically recording the proceedings and having phones turned off.

944 Court will issue an oral decision on the Motions that were heard last Thursday. Court will proceed with a ruling on the Motion to Compel. Court goes over what was requested in the Motion to Compel. Court finds that the State did comply with the request and will not order any further discovery. Defendants Motion to Compel is denied. The Court will issue the orders.

947 Court has gone through the Motion in Limine. Court will not issue an oral decision, but will issue a written ruling on this matter. Order will be issued by tomorrow, March 22, 2023.

948 Court will not issue the ruling on the Motion to Dismiss the Death Penalty. There are four reasons for the Death Penalty should be dismissed.

1. Media Saturation
2. Multiple Discovery Violations
3. Mental State of the Defendant
4. Means to carry out the Death Sentence

- 951 Court will address the discovery violations. Court goes over the timeline of the case. Disclosures before February 27, 2023 were timely. Disclosures made on February 27, 2023 were late. The disclosures were made in March were late.
- 955 Court finds the Disclosures made on February 27 were late, but they were deemed timely. The discovery made in March, jail phones, were late and trial court has the discretion to impose sanctions.
- 957 Court finds there have been discovery violations. There have been no Brady violations. Defense does not have time to review the discovery before the trial.
- 1001 Court has considered the argument of Mr. Archibald. Court has worked with Mr. Archibald, Mr. Wood & Ms. Blake in hundreds of cases. Defense has exhibited prejudice in the discovery in this case. Having determined that prejudice in this matter. Court is not going to sanction and must find a remedy for the prejudice.
- 1004 Court can't delay the trial because the Defendant has not waived her speedy trial. Court goes over the options left – dismissing the case or striking the death penalty.
- 1006 Dismissing the case would be to much of sanction.
- 1008 Court goes over the considerations for the sanction of striking the death penalty.
- 1014 Court determines the late disclosure has prejudiced the Defense. Court finds that State is precluded from seeking the death penalty and will Strike the Intent to Seek the Death Penalty.
- 1016 There was a late motion filed last night, but the determination was already made and will find that motion late. This determination is only for this case and has no impact on the companion case. Court will issue an order on this matter.
- 1018 State requests an expedited transcript on this matter. Court will order it. Court is in recess.