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Attorneys for Defendant

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>PROPOSED JURY INSTRUCTIONS</p>
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Comes now the Defendant, through her attorneys, and pursuant to the Court's order submits the following proposed jury instructions.

Proposed Jury Instruction for Voir Dire – No right or wrong answers

Before we begin, I would like to explain that there are no “right” or “wrong” answers to any of the questions that will be posed to you today. Citizens in our community have and are entitled to hold different views and perspectives on many topics, and the same holds true for jurors. You will all be treated with dignity and respect, and I simply ask you to provide honest and complete answers.

Proposed Jury Instruction for Voir Dire – Purpose of questions

I want to advise you in the strongest possible terms that the fact that I and the attorneys question you about your feelings and opinions about punishment now certainly does not mean that Lori Vallow Daybell is guilty of any crime. She is presumed by law to be innocent. This questioning does not mean that I think she is guilty, or that the attorneys or I expect her to be convicted. This questioning is required by law in every trial in which the prosecutors are seeking the imposition of a death sentence. We will ask you about your feelings and views concerning the possible sentences of life imprisonment without the possibility of release and the death penalty before the trial even starts, not because I think this case will proceed to a sentencing trial, but because we must ask questions of prospective jurors at the beginning of a case about all possible events no matter how remote they may be. This is the only opportunity we have to ask jurors questions. You are not to draw any conclusions about the case or the evidence from the fact that we are asking you about punishment before there has even been a trial to determine whether she is “guilty” or “not guilty.”

Proposed Jury Instruction for Voir Dire – Unanimity not required for a life sentence

If there is a conviction for murder, the law is always satisfied with a life penalty. A juror is never required to impose a death sentence. A juror has the lawful authority to assign the “weight of life” to any one mitigating circumstance if he or she wants to do this. One vote from a juror for life imprisonment means that the death penalty will not be imposed. Each juror makes a personal moral decision. One juror will always be able to give life. It is always up to each individual juror. A juror may choose life even if there are many aggravating circumstances and no mitigating circumstances. A juror choosing life would be a valid, appropriate, and lawful result.

Idaho Criminal Jury Instruction 1718 – proposed additions underlined

fourth paragraph: If any one of you find that any or all mitigating circumstances...

fifth paragraph: If any one of you find that any or all mitigating circumstances...

sixth paragraph: You must each decide for yourself whether any or all mitigating...

Idaho Criminal Jury Instruction 1718 – proposed deletion of sentence is sixth paragraph as it misstates the law and confuses the jury:

Any finding by you that the mitigating circumstances do or do not make the imposition of the death penalty unjust must be unanimous, but you do not have to unanimously agree upon what mitigating circumstances exist.

Dated: March 20, 2023

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

Dated: March 20, 2023

/s/ John Thomas
John Thomas, Esq.

Certificate of Service

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

Lindsey Blake, Esq.

efile and serve

Robert H. Wood, Esq.

efile and serve

Dated: March 20, 2023

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