

Description	Judge Boyce * S. Holstine * Patricia Bath * 03/28/23 * Fremont Co. Case	
Date	3/28/2023	Location 1A-CRT400
Time	Speaker	Note
8:33:05 AM		CR22-21-1624 St v Lori Vallow Jury Questionnaire Day Two
8:33:13 AM	State Attys	Lindsey Blake, Robert Wood & Rachel Smith for the State
8:33:20 AM	Def Attys	Jim Archibald & John Thomas for the Defense
8:33:31 AM	Defendant	Is present in custody
8:33:36 AM	Judge Boyce	Calls case. Are the parties ready to proceed
8:34:26 AM		Parties indicate they are ready to proceed
8:34:34 AM	Judge Boyce	Please bring in the jurors
8:38:31 AM	Judge Boyce	The (GREEN GROUP #2) prospective jury panel is present. All parties may be seated.
8:38:59 AM	Judge Boyce	Calls Case. Do parties waive roll call of the jury or have any objection to the way the jury was drawn
8:39:33 AM		Parties waive roll call of the jury and have no objection to the way the jury was drawn
8:39:35 AM	Judge Boyce	Court addresses prospective jurors. Introduction of court personnel. Admonitions to jurors - brief trial schedule and instructions on questionnaire
8:47:58 AM	Judge Boyce	Introduction of parties
8:48:51 AM	Judge Boyce	Reads summary of Indictment
8:55:04 AM	Judge Boyce	Reads standard preliminary jury instructions
8:57:49 AM		Clerk swears prospective jurors for completion of questionnaire
8:58:12 AM	Judge Boyce	Record reflects all jurors took the oath. Explains nature and purpose of juror questionnaires
9:03:02 AM	Judge Boyce	Thanks and excuses the jurors (GREEN GROUP #2) to complete their questionnaires
9:05:41 AM	Judge Boyce	We'll recess until our next group comes in at 9:15
9:05:44 AM		COURT RECESSES
9:24:24 AM		COURT RESUMES
9:24:29 AM	Judge Boyce	The (BLUE GROUP #2) prospective jury panel is present. All parties may be seated.
9:24:47 AM	Judge Boyce	Calls case. All parties present.

9:25:07 AM	Judge Boyce	Do parties waive roll call of the jury
9:25:13 AM		Parties waive roll call of the jury
9:25:25 AM	Judge Boyce	Court addresses prospective jurors. Introduction of court personnel. Admonitions to jurors - brief trial schedule and instructions on questionnaire
9:30:34 AM	Judge Boyce	Introduction of parties
9:31:07 AM	Judge Boyce	Reads summary of Indictment
9:37:23 AM	Judge Boyce	Reads standard preliminary jury instructions
9:40:02 AM		Clerk swears prospective jurors for completion of questionnaire
9:40:30 AM	Judge Boyce	Record reflects all jurors took the oath. Explains nature and purpose of juror questionnaires
9:45:00 AM	Judge Boyce	Thanks and excuses the jurors (BLUE GROUP #2) to complete their questionnaires
9:45:58 AM	TCA Barrios	Addresses the jurors about parking
9:47:05 AM		Jurors exit the courtroom
9:50:02 AM	TCA Barrios	We have several jurors that had to go and move their car. We'll need 10-15 minutes before we'll be ready for the next group of jurors
9:50:08 AM	Judge Boyce	Defense has requested a copy of the colloquy I am reading. I will request that the court reporter make a rough draft of one of them and provide that to counsel as my version has handwritten notes
9:51:14 AM	Judge Boyce	We'll recess until our next group is available
9:51:19 AM		COURT RECESSES
10:13:32 AM		COURT RESUMES
10:13:37 AM	Judge Boyce	Counsel and all parties are present. Please bring in the jurors
10:18:16 AM	Judge Boyce	The (YELLOW GROUP #2) prospective jury panel is present. All parties may be seated.
10:18:31 AM	Judge Boyce	Calls case. All parties present.
10:18:54 AM	Judge Boyce	Do parties waive roll call of the jury
10:19:09 AM		Parties waive roll call of the jury
10:19:11 AM	Judge Boyce	Court addresses prospective jurors. Introduction of court personnel. Admonitions to jurors - brief trial schedule and instructions on questionnaire
10:24:22 AM	Judge Boyce	Introduction of parties
10:25:36 AM	Judge Boyce	Reads summary of Indictment

10:31:09 AM	Judge Boyce	Reads standard preliminary jury instructions
10:34:05 AM		Clerk swears prospective jurors for completion of questionnaire
10:34:37 AM	Judge Boyce	Record reflects all jurors took the oath. Explains nature and purpose of juror questionnaires
10:39:10 AM	Judge Boyce	Thanks and excuses the jurors (YELLOW GROUP #2) to complete their questionnaires
10:43:49 AM		We'll recess until our next group is brought in
10:43:50 AM		COURT RECESSES
10:48:53 AM		COURT RESUMES
10:49:10 AM	Judge Boyce	The (PURPLE GROUP #2) prospective jury panel is present. All parties may be seated.
10:49:21 AM	Judge Boyce	Calls case. All parties present.
10:49:42 AM	Judge Boyce	Do parties waive roll call of the jury
10:49:54 AM		Parties waive roll call of the jury
10:49:56 AM	Judge Boyce	Court addresses prospective jurors. Introduction of court personnel. Admonitions to jurors - brief trial schedule and instructions on questionnaire
10:54:58 AM	Judge Boyce	Introduction of parties
10:56:20 AM	Judge Boyce	Reads summary of Indictment
11:01:38 AM	Judge Boyce	Reads standard preliminary jury instructions
11:04:46 AM		Clerk swears prospective jurors for completion of questionnaire
11:05:17 AM	Judge Boyce	Record reflects all jurors took the oath. Explains nature and purpose of juror questionnaires
11:10:05 AM	Judge Boyce	Thanks and excuses the jurors (PURPLE GROUP #2) to complete their questionnaires
11:19:28 AM	Judge Boyce	Everyone may be seated. We have the next group being brought in now
11:20:03 AM		COURT RECESSES
11:25:08 AM		COURT RESUMES
11:25:23 AM	Judge Boyce	The (ORANGE GROUP) prospective jury panel is present. All parties may be seated.
11:25:37 AM	Judge Boyce	Calls case. All parties present.
11:25:41 AM	Judge Boyce	Do parties waive roll call of the jury
11:26:06 AM		Parties waive roll call of the jury

11:26:09 AM	Judge Boyce	Court addresses prospective jurors. Introduction of court personnel. Admonitions to jurors - brief trial schedule and instructions on questionnaire
11:32:30 AM	Judge Boyce	Introduction of parties
11:33:29 AM	Judge Boyce	Reads summary of Indictment
11:40:23 AM	Judge Boyce	Reads standard preliminary jury instructions
11:42:59 AM		Clerk swears prospective jurors for completion of questionnaire
11:43:26 AM	Judge Boyce	Record reflects all jurors took the oath. Explains nature and purpose of juror questionnaires
11:48:11 AM	Judge Boyce	Thanks and excuses the jurors (ORANGE GROUP #2) to complete their questionnaires
11:51:10 AM	Judge Boyce	We'll recess until our next group comes in
11:51:14 AM		COURT RECESSES
12:07:36 PM		COURT RESUMES
12:07:55 PM	Judge Boyce	I want to put on the record I excused a juror that had just had eye surgery. He was the one escorted out of here from the front row. He was driven here by his wife and can't use his eyes right now. We'll get his scramble #. (Juror #866 was the excused juror)
12:08:41 PM		Parties have no objection
12:08:52 PM	Judge Boyce	The (PINK GROUP #2) prospective jury panel is present. All parties may be seated.
12:13:06 PM	Judge Boyce	Calls case. All parties present.
12:13:47 PM	Judge Boyce	Do parties waive roll call of the jury
12:13:55 PM		Parties waive roll call of the jury
12:13:58 PM	Judge Boyce	Court addresses prospective jurors. Introduction of court personnel. Admonitions to jurors - brief trial schedule and instructions on questionnaire
12:19:17 PM	Judge Boyce	Introduction of parties
12:20:38 PM	Judge Boyce	Reads summary of Indictment
12:26:15 PM	Judge Boyce	Reads standard preliminary jury instructions
12:29:17 PM		Clerk swears prospective jurors for completion of questionnaire
12:29:45 PM	Judge Boyce	Record reflects all jurors took the oath. Explains nature and purpose of juror questionnaires
12:34:46 PM	Judge Boyce	Thanks and excuses the jurors (PINK GROUP #2) to complete their questionnaires

12:37:46 PM		Jurors have exited the courtroom
12:38:02 PM	Judge Boyce	That concludes the admonishment and questionnaires of the jurors.
12:38:27 PM	Judge Boyce	Comments to parties. Plans to schedule a brief hearing tomorrow relating to seating in the courtroom for victims/family. I'd like to vet through the list - who is statutorily defined as a victim in the case. Comments further on designated/lottery seating. We need an answer tomorrow. Is counsel available at 10:30
12:40:24 PM	Ms. Blake	That works for the State
12:40:29 PM	Mr. Wood	Yes, we're available
12:40:36 PM	Judge Boyce	We'll set that for tomorrow 3/29/23 @ 10:30am – open hearing
12:41:01 PM	Judge Boyce	You should have each received a list of the groups/scramble juror #. We'll proceed first with the green group. We'll start on questionnaires on Thursday and put them on the record if there's an agreement of the parties. Contested jurors - I will try to rule on or take them under advisement. Group voir dire will be 12-15 people. We'll need 42 jurors to seat a jury. Are parties available tomorrow
12:44:03 PM	Ms. Blake	We'll be available
12:44:06 PM	Mr. Thomas	Expresses concerns to the court
12:44:42 PM	Judge Boyce	We'll have a time problem. Seating system on website needs to be up and operational. I'll hear your argument to not have that be an open hearing. I know I haven't given you much time, but I probably need to hear that now
12:45:29 PM	Mr. Archibald	Makes argument to the court
12:46:10 PM	Judge Boyce	Comments to parties. I'll review ICAR 32 again. Anything from the State regarding an open or closed hearing
12:46:36 PM	Ms. Blake	If I understand correctly, defense argument is ICAR 32 - we'd leave it in the court's discretion. No objection to having the hearing closed
12:47:11 PM	Judge Boyce	I'll take that under advisement and presume it will be an open hearing. If we determine it falls under ICAR 32, I will get an order issued today and notify you. The hearing is limited to the issue of the list of victim and family attending, and their ability to attend as defined victims so they're not excluded versus those that need to be excluded due to testifying. Additional comments to the parties. I will consider Mr. Thomas's point and the State's non-objection and communicate my decision to counsel before the end of the day.
12:49:01 PM	Judge Boyce	Anything else from the parties
12:49:05 PM	Ms. Blake	What time are we meeting on Thursday for stipulated strikes

12:49:21 PM	Judge Boyce	I would suggest we meet at 9am to compare lists and see where the agreement is and then we can put those on the record based on agreements and continue on the record with objections
12:49:49 PM	Ms. Blake	Does the court have a certain number of available jurors we are bringing back in
12:50:48 PM	Judge Boyce	Once we go through the list, I think we'd bring back at least 60 for 4/3 and 60 for 4/4. That may adjust depending if we're going faster/slower
12:51:14 PM	Judge Boyce	I'll get back to counsel via email on my decision on tomorrow's hearing being open or closed
12:51:24 PM		END OF CASE
12:51:24 PM		

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