

<b>Description</b>	Judge Boyce * S. Holstine * Patricia Bath * 04/13/23 * Fremont Co. Case	
<b>Date</b>	4/13/2023	<b>Location</b> 1A-CRT400
<b>Time</b>	<b>Speaker</b>	<b>Note</b>
<a href="#">8:34:28 AM</a>		<b>CR22-21-1624 St v Lori Vallow Jury Trial - Day Four</b>
<a href="#">8:34:32 AM</a>	State Attys	Lindsay Blake - Robert Wood - Rachel Smith for the State
<a href="#">8:34:36 AM</a>	Def Attys	Jim Archibald - John Thomas for the Defense
<a href="#">8:34:38 AM</a>	Defendant	Is present in custody
<a href="#">8:35:36 AM</a>		<b>Simulcast On</b>
<a href="#">8:35:37 AM</a>	Judge Boyce	Calls case. All parties present. All jurors are present today and have completed their juror affirmations. Reminder of courtroom conduct order. State will continue with their case in chief
<a href="#">8:36:43 AM</a>	Judge Boyce	Are the parties ready to proceed
<a href="#">8:36:46 AM</a>	Ms. Blake	Yes, Your Honor
<a href="#">8:36:51 AM</a>	Mr. Archibald	Yes, Your Honor
<a href="#">8:36:53 AM</a>	Judge Boyce	Bring the jury in please
<a href="#">8:39:59 AM</a>		The jury is present
<a href="#">8:40:29 AM</a>	Judge Boyce	The State may call their next witness
<a href="#">8:40:50 AM</a>	Ms. Blake	<b>CALLS STATE'S WITNESS #6 - Melanie Gibb/Sworn</b>
<a href="#">8:41:32 AM</a>	Ms. Blake	<b>Direct Examination of SW#6 - Melanie Gibb</b>
<a href="#">8:47:56 AM</a>	Judge Boyce	Admonishes the witness
<a href="#">8:47:57 AM</a>	Ms. Blake	CDX of SW#6
<a href="#">8:53:39 AM</a>	Mr. Thomas	Objection - hearsay
<a href="#">8:53:41 AM</a>	Ms. Blake	Statement of party opponent
<a href="#">8:53:45 AM</a>	Mr. Thomas	Not this opponent
<a href="#">8:53:48 AM</a>	Ms. Blake	Statement of co-conspirator
<a href="#">8:53:54 AM</a>	Judge Boyce	Objection is Overruled
<a href="#">8:54:23 AM</a>	Ms. Blake	CDX of SW#6
<a href="#">9:32:17 AM</a>	Mr. Thomas	Objection - Speculation
<a href="#">9:32:22 AM</a>	Judge Boyce	Objection is Sustained
<a href="#">9:32:28 AM</a>	Ms. Blake	CDX of SW#6

<a href="#">9:58:10 AM</a>	Ms. Blake	Addresses the court
<a href="#">9:58:27 AM</a>	Judge Boyce	Let's keep going
<a href="#">9:58:34 AM</a>	Ms. Blake	CDX of SW#6
<a href="#">9:59:18 AM</a>	Ms. Blake	State's Exhibit #42 previously marked is handed to the witness and asks to publish a portion for ID purposes
<a href="#">9:59:30 AM</a>	Mr. Thomas	We'd prefer the entire audio be published
<a href="#">9:59:41 AM</a>	Judge Boyce	Just playing a portion for ID purposes
<a href="#">9:59:46 AM</a>	Ms. Blake	For ID purposes only, unless the defense wants to agree to admit it
<a href="#">9:59:57 AM</a>	Mr. Thomas	Comments
<a href="#">10:00:06 AM</a>	Judge Boyce	Go ahead and begin the audio for ID purposes
<a href="#">10:00:17 AM</a>		A portion of SE #42 IS PUBLISHED for ID purposes
<a href="#">10:01:16 AM</a>	Judge Boyce	Any objection from the defense to SE#42
<a href="#">10:01:32 AM</a>	Mr. Thomas	No objection
<a href="#">10:01:49 AM</a>	Judge Boyce	<b>STATE'S EXHIBIT #42 IS ADMITTED</b> and may be published
<a href="#">10:01:57 AM</a>	Ms. Blake	The audio is approximately 21 minutes long
<a href="#">10:02:13 AM</a>		SE #42 IS PUBLISHED
<a href="#">10:23:36 AM</a>	Ms. Blake	That's the end of the audio
<a href="#">10:23:49 AM</a>	Judge Boyce	We'll take a 20-minute mid-morning recess
<a href="#">10:24:15 AM</a>		<b>COURT RECESSES - Simulcast Off</b>
<a href="#">10:50:57 AM</a>		<b>COURT RESUMES.</b> Jury is not present
<a href="#">10:51:08 AM</a>	Judge Boyce	Bring the jury in please
<a href="#">10:51:34 AM</a>		<b>Simulcast On</b>
<a href="#">10:52:47 AM</a>		The jury is present
<a href="#">10:52:50 AM</a>	Judge Boyce	Back on the record. All counsel and parties are present. The State may continue with their examination of SW#6.
<a href="#">10:53:20 AM</a>	Ms. Blake	We'll have our witness brought in if the Court is ready
<a href="#">10:53:33 AM</a>	Judge Boyce	Yes. SW#6 retakes the witness stand and remains under oath. The State may continue their examination of the witness
<a href="#">10:54:07 AM</a>	Ms. Blake	<b>CDX of SW#6 - Melanie Gibb</b>

<a href="#">11:07:27 AM</a>	Judge Boyce	Marshal is instructed to take phone that is going off in the courtroom
<a href="#">11:07:37 AM</a>	Ms. Blake	CDX of SW#6
<a href="#">11:14:09 AM</a>	Ms. Blake	No further questions of this witness
<a href="#">11:14:12 AM</a>	Judge Boyce	Counsel may cross
<a href="#">11:14:21 AM</a>	Mr. Thomas	<b>Cross Examination of SW#6 - Melanie Gibb</b>
<a href="#">11:18:06 AM</a>	Mr. Thomas	Asks to strike the witness testimony based on ICR 16(b)(6)
<a href="#">11:18:16 AM</a>	Ms. Blake	I'd ask for a sidebar
<a href="#">11:18:21 AM</a>		SIDEBAR - Simulcast Off
<a href="#">11:19:52 AM</a>		Simulcast On
<a href="#">11:19:56 AM</a>	Judge Boyce	There's an objection that will be argued outside the presence of the jurors. We'll excuse the jurors to the jury room
<a href="#">11:20:13 AM</a>		Jurors Exit
<a href="#">11:20:55 AM</a>	Judge Boyce	The defense may proceed with argument on your objection
<a href="#">11:21:06 AM</a>	Mr. Thomas	We object to the witness's testimony based on ICR 16(b)(6) re: State's Witnesses. Reads rule for the record. Further argument
<a href="#">11:22:42 AM</a>	Judge Boyce	Asks for clarification – are you referring to the oral statements or the written outline
<a href="#">11:22:45 AM</a>	Mr. Thomas	The oral statements. Argues further
<a href="#">11:23:03 AM</a>	Judge Boyce	The response from the State
<a href="#">11:23:06 AM</a>	Ms. Blake	I think we've previously litigated this. Argues against the objection. All statements have already been turned over. Argues further. We have complied with the discovery request - asks the objection be denied
<a href="#">11:24:49 AM</a>	Judge Boyce	Give me a moment to review some authority. Any rebuttal argument
<a href="#">11:25:20 AM</a>	Mr. Thomas	No, Your Honor
<a href="#">11:25:23 AM</a>	Judge Boyce	I have reviewed the objection made under ICR 16(b)(6) and some authority that governs that. Is your request to strike the witness or the witness testimony
<a href="#">11:26:05 AM</a>	Mr. Thomas	The witness' testimony. Responds further
<a href="#">11:26:15 AM</a>	Judge Boyce	Makes ruling - denies motion to strike witness' testimony. Going forward, to maintain a record, you can lodge an objection. We'll take them up with each witness if needed

<a href="#">11:28:29 AM</a>	Mr. Thomas	Requests citation from court
<a href="#">11:28:36 AM</a>	Judge Boyce	State v Montgomery 163 Idaho 40, 2017 Idaho case
<a href="#">11:28:52 AM</a>	Mr. Thomas	When should I make my objection - before the State asks their first question
<a href="#">11:29:03 AM</a>	Judge Boyce	That is probably more effective
<a href="#">11:29:10 AM</a>		Bring the jury in please
<a href="#">11:30:41 AM</a>		The jury is present
<a href="#">11:30:43 AM</a>	Judge Boyce	The defense may continue your cross examination
<a href="#">11:31:02 AM</a>	Mr. Thomas	<b>CCX of SW#6</b>
<a href="#">11:40:24 AM</a>	Judge Boyce	Admonishes the gallery to be sure their phones are silenced
<a href="#">11:40:39 AM</a>	Mr. Thomas	CCX of SW#6
<a href="#">11:57:18 AM</a>	Judge Boyce	Let's break for the lunch recess - 45 minutes
<a href="#">11:57:43 AM</a>		<b>COURT RECESSES - Simulcast Off</b>
<a href="#">12:49:45 PM</a>		COURT RESUMES. Jury is not present
<a href="#">12:50:35 PM</a>		<b>Simulcast On</b>
<a href="#">12:50:41 PM</a>	Judge Boyce	Back on the record. Counsel and all parties are present.
<a href="#">12:51:24 PM</a>		Bring the jury in please
<a href="#">12:55:31 PM</a>	Judge Boyce	The defense will continue with their cross examination
<a href="#">12:56:00 PM</a>	Mr. Thomas	<b>CCX of SW#6</b>
<a href="#">1:15:33 PM</a>	Mr. Thomas	No further questions of this witness
<a href="#">1:15:38 PM</a>	Judge Boyce	Any redirect
<a href="#">1:15:40 PM</a>	Ms. Blake	<b>RDX of SW#6</b>
<a href="#">1:19:51 PM</a>	Mr. Thomas	Objection - Beyond the Scope of direct or cross
<a href="#">1:19:53 PM</a>	Judge Boyce	Objection is Sustained
<a href="#">1:19:56 PM</a>	Ms. Blake	CRDX of SW#6
<a href="#">1:20:28 PM</a>	Mr. Thomas	Objection - Outside the Scope
<a href="#">1:20:30 PM</a>	Judge Boyce	Objection is Overruled
<a href="#">1:20:31 PM</a>	Ms. Blake	CRDX of SW#6
<a href="#">1:28:31 PM</a>	Mr. Thomas	Objection - this is outside the scope of cross
<a href="#">1:28:40 PM</a>	Judge Boyce	Objection is Sustained
<a href="#">1:28:47 PM</a>	Ms. Blake	CRDX of SW#6

<a href="#">1:29:25 PM</a>	Ms. Blake	No further questions of this witness
<a href="#">1:29:27 PM</a>	Judge Boyce	Any recross
<a href="#">1:29:29 PM</a>	Mr. Thomas	No further questions of this witness
<a href="#">1:29:34 PM</a>	Judge Boyce	Witness may step down
<a href="#">1:29:51 PM</a>	Judge Boyce	Requests sidebar
<a href="#">1:30:02 PM</a>		<b>SIDEBAR - Simulcast Off</b>
<a href="#">1:31:28 PM</a>		<b>Simulcast On</b>
<a href="#">1:31:33 PM</a>	Ms. Blake	May SW#6 be released
<a href="#">1:31:42 PM</a>	Mr. Thomas	No objection
<a href="#">1:31:46 PM</a>	Judge Boyce	Witness may be released
<a href="#">1:31:54 PM</a>	Ms. Blake	<b>CALLS STATE'S WITNESS #7 - Detective Nathan Duncan/Sworn</b>
<a href="#">1:32:47 PM</a>	Ms. Blake	<b>Direct Examination of SW#7 - Nathan Duncan</b>
<a href="#">1:36:53 PM</a>	Ms. Blake	State's Exhibit #46 previously marked is handed to the witness for identification
<a href="#">1:37:42 PM</a>	Ms. Blake	CDX of SW#7
<a href="#">1:38:41 PM</a>	Ms. Blake	Moves to admit SE #46
<a href="#">1:38:45 PM</a>	Mr. Thomas	Is this part of the 404(b) evidence the court has already ruled on
<a href="#">1:39:10 PM</a>	Judge Boyce	Requests sidebar with counsel
<a href="#">1:39:17 PM</a>		<b>SIDEBAR - Simulcast Off</b>
<a href="#">1:41:26 PM</a>		<b>Simulcast On</b>
<a href="#">1:41:36 PM</a>	Judge Boyce	I'll take a brief recess while I review some case law. The jury may remain in the courtroom
<a href="#">1:42:06 PM</a>		<b>COURT RECESSES - Simulcast Off</b>
<a href="#">1:48:59 PM</a>		<b>COURT RESUMES.</b> Jury is present
<a href="#">1:49:09 PM</a>		<b>Simulcast On</b>
<a href="#">1:49:12 PM</a>	Judge Boyce	Gives instruction to jurors
<a href="#">1:50:44 PM</a>	Judge Boyce	CDX of SW#7
<a href="#">1:50:46 PM</a>	Ms. Blake	Moves to admit SE #46
<a href="#">1:51:00 PM</a>	Mr. Thomas	With that instruction, we have no objection
<a href="#">1:51:06 PM</a>	Judge Boyce	<b>STATE'S EXHIBIT #46 IS ADMITTED</b>

<a href="#">1:51:15 PM</a>	Ms. Blake	State's Exhibit #29B previously marked is handed to the witness for identification. Has been stipulated to by counsel
<a href="#">1:51:51 PM</a>	Ms. Blake	Moves to admit SE #29B
<a href="#">1:51:59 PM</a>	Mr. Thomas	No objection
<a href="#">1:52:02 PM</a>	Judge Boyce	<b>STATE'S EXHIBIT #29B IS ADMITTED</b>
<a href="#">1:52:23 PM</a>	Ms. Blake	CDX of SW#7
<a href="#">2:01:15 PM</a>	Mr. Thomas	Objection -
<a href="#">2:01:22 PM</a>	Judge Boyce	Objection is premature
<a href="#">2:01:31 PM</a>	Ms. Blake	CDX of SW#7
<a href="#">2:01:48 PM</a>	Mr. Thomas	I renew my objection
<a href="#">2:01:54 PM</a>	Judge Boyce	Objection is Overruled - foundation is being laid
<a href="#">2:02:04 PM</a>	Ms. Blake	CDX of SW#7
<a href="#">2:02:22 PM</a>	Mr. Thomas	Objection - Speculation
<a href="#">2:02:30 PM</a>	Ms. Blake	Argument
<a href="#">2:02:35 PM</a>	Judge Boyce	Objection is Overruled
<a href="#">2:02:39 PM</a>	Ms. Blake	CDX of SW#7
<a href="#">2:12:41 PM</a>	Ms. Blake	State's Exhibit #49 previously marked is handed to the witness for identification
<a href="#">2:14:02 PM</a>	Ms. Blake	CDX of SW#7
<a href="#">2:14:11 PM</a>	Ms. Blake	Moves to admit SE #49
<a href="#">2:14:15 PM</a>	Mr. Thomas	Objection. Questions SW#7 in aid of objection
<a href="#">2:15:10 PM</a>	Mr. Thomas	Objection to SE#49 - Foundation
<a href="#">2:15:33 PM</a>	Judge Boyce	Addresses the State - questions timeframe of disclosure
<a href="#">2:15:53 PM</a>	Ms. Blake	Argument - IRE 1006
<a href="#">2:16:25 PM</a>	Mr. Thomas	Responds - police report is over 1500 pages long
<a href="#">2:16:33 PM</a>	Judge Boyce	I'll allow the jurors to take our mid-afternoon break now and will further consult with counsel. We'll argue this outside the jurors presence
<a href="#">2:17:04 PM</a>		Jurors Exit
<a href="#">2:17:40 PM</a>	Judge Boyce	Inquires of the State - asks if they can point out for the defense where this was in the voluminous discovery that has been provided to the defense. Comments further

<a href="#">2:18:34 PM</a>	Ms. Blake	Responds. As part of the 404(b), we did extract portions of Chandler report and those were provided to defense. These would be in those extractions. The phone extraction has also been provided. I believe it went out in production #1 but we will look and find exactly where that is
<a href="#">2:19:17 PM</a>	Judge Boyce	Okay. It's up to you to point those out for the defense. Comments. We'll take a break to allow you to look for those
<a href="#">2:19:47 PM</a>		COURT RECESSES - <b>Simulcast Off</b>
<a href="#">2:50:12 PM</a>		COURT RESUMES.
<a href="#">2:50:16 PM</a>		<b>Simulcast On</b>
<a href="#">2:50:18 PM</a>	Judge Boyce	While on break the parties have come to a resolution to the issue of the timing of the disclosure of Exhibit #49
<a href="#">2:50:33 PM</a>	Ms. Blake	Parties have reached an agreement. At this juncture the State will move on with different questioning that deals with different materials and parties have agreed to take the night and come back tomorrow
<a href="#">2:50:59 PM</a>	Judge Boyce	Does the Defense agree to proceed in that manner
<a href="#">2:51:05 PM</a>	Mr. Thomas	We agree. We're only waiving our objection to the timing portion
<a href="#">2:51:12 PM</a>	Judge Boyce	<b>SE#49 has been offered, but not admitted.</b> We'll pass over that part of the evidence for now. Comments further. State has additional examination for this witness we can proceed with
<a href="#">2:51:40 PM</a>	Ms. Blake	That is correct. Court gave limiting instruction re: 404(b), I think we're moving outside and believe an instruction is appropriate
<a href="#">2:52:14 PM</a>	Judge Boyce	Responds - don't think we instruct going in and out of it. Comments further
<a href="#">2:52:56 PM</a>	Ms. Blake	Further argument
<a href="#">2:53:37 PM</a>	Judge Boyce	Does the Defense have any position on that
<a href="#">2:53:40 PM</a>	Mr. Thomas	We believe anything coming from Arizona is 404(b)
<a href="#">2:53:55 PM</a>	Judge Boyce	I will not give any further 404(b) instruction. Comments further
<a href="#">2:54:27 PM</a>	Ms. Blake	Further argument
<a href="#">2:55:19 PM</a>	Judge Boyce	I think it's premature for me to determine if I would give the instruction. Comments further. I don't think I can do that at this point. I will keep that under advisement

<a href="#">2:55:51 PM</a>	Judge Boyce	Bring the jury in please
<a href="#">2:56:41 PM</a>		The jury is present
<a href="#">2:56:43 PM</a>	Judge Boyce	Back on the record. Witness is still under oath
<a href="#">2:57:07 PM</a>	Judge Boyce	<b>I still have not ruled on the SE#49 that was offered.</b> State will move onto another topic
<a href="#">2:57:23 PM</a>	Ms. Blake	<b>CDX of SW#7</b>
<a href="#">3:00:18 PM</a>	Ms. Blake	State's Exhibit #44 & 45 previously marked is handed to the witness for identification. They have been stipulated to by defense
<a href="#">3:00:33 PM</a>	Mr. Thomas	No objection
<a href="#">3:00:39 PM</a>	Judge Boyce	<b>STATE'S EXHIBIT #44 &amp; 45 ARE ADMITTED</b> and may be published
<a href="#">3:01:38 PM</a>		SE #44 IS PUBLISHED
<a href="#">3:05:11 PM</a>		SE #45 IS PUBLISHED
<a href="#">3:08:23 PM</a>	Ms. Blake	CDX of SW#7
<a href="#">3:11:27 PM</a>	Ms. Blake	State's Exhibit #50 previously marked is handed to the witness for identification. This has been stipulated to by defense
<a href="#">3:11:52 PM</a>	Ms. Blake	Moves to admit SE #50
<a href="#">3:11:53 PM</a>	Mr. Thomas	No objection
<a href="#">3:11:55 PM</a>	Judge Boyce	<b>STATE'S EXHIBIT #50 IS ADMITTED</b>
<a href="#">3:12:12 PM</a>	Ms. Blake	Moves to publish SE #50
<a href="#">3:12:14 PM</a>	Judge Boyce	You may publish SE #50
<a href="#">3:12:30 PM</a>		SE #50 IS PUBLISHED
<a href="#">3:28:15 PM</a>	Judge Boyce	I think we will adjourn for the day
<a href="#">3:28:56 PM</a>	Ms. Blake	May I ask a few more question CDX of SW#7
<a href="#">3:28:59 PM</a>	Ms. Blake	CDX of SW#7
<a href="#">3:29:32 PM</a>	Ms. Blake	No further questions for today of this witness
<a href="#">3:29:46 PM</a>	Judge Boyce	We will adjourn for the day. Admonishes jurors
<a href="#">3:30:19 PM</a>		Jurors Exit
<a href="#">3:31:08 PM</a>		END OF CASE
<a href="#">3:31:08 PM</a>		