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Attorney 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><b>Case No. CR22-21-1624</b></p> <p><b>MOTION TO APPOINT CO-COUNSEL</b></p>
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Comes now the Defendant, through her court-appointed attorney, and pursuant to the 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amendments to the United States Constitution, Rule 44.3 of the Idaho Criminal Rules, IDAPA 61.01.08, and the American Bar Association Guidelines for the Appointment and Performance of Counsel in Death Penalty Cases, moves this Court to appoint co-counsel for the defense team, as follows:

1. ICR 44.3 was amended this year by the Idaho Supreme Court to provide that co-counsel be appointed at the time of an arraignment from an indictment which charges someone with an offense that could result in the imposition of the death penalty. A grand jury returned an indictment in this case on May 25, 2021.

2. The Trial Court ruled on April 11, 2022, that Defendant is now fit to proceed and has scheduled her arraignment for April 19, 2022.
3. John Thomas has agreed to assist in this case as co-counsel. He is qualified by the Idaho Public Defense Commission to serve as co-counsel in a capital case. He should be paid the amount of \$125.00 per hour by Fremont County, as Fremont County has insurance through the Capital Crimes Defense Fund. Due to his employment with Bonneville County, he may be required to share or split his fee or make some other arrangement with Bonneville County.

The appointment of co-counsel is necessary in providing effective assistance of counsel in this potential death penalty case.

Dated: April 14, 2022

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

#### CERTIFICATE OF SERVICE

I certify that on this date I served a copy of this document to:

Lindsey A. Blake, Esq. efile and serve

Rob H. Wood, Esq. efile and serve

Dated: April 14, 2022

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