

Description	Boyce/ J. Hoskins/ P. Bath/ **Fremont County Case**		
Date	4/20/2023	Location	1A-CRT400
Time	Speaker	Note	
8:49:11 AM		State vs Lori Vallow CR22-21-1624 Jury Trial Day 8	
8:49:16 AM	States Attorneys	Lindsay Blake - Robert Wood - Rachel Smith - Spenser Rammell for the State	
8:49:17 AM	Defense Attorneys	Jim Archibald - John Thomas for the Defense	
8:49:20 AM	Defendant	In custody and present	
8:49:23 AM		Simulcast On	
8:49:27 AM	Judge Boyce	Calls case. Jurors are not present.	
8:50:37 AM		Notified all jurors are present and have completed their affirmations	
8:50:48 AM		Met with counsel this morning in chambers regarding scheduling. All counsel are presents.	
8:51:11 AM	Parties	Ready to proceed	
8:52:06 AM		Jury is present.	
8:53:15 AM	Judge Boyce	Welcomes the jury and thanks for continuing cooperation	
8:54:01 AM		Sworn In Nate Moffat (SW 17)	
8:54:11 AM	Judge Boyce	Inquires if witness has watched or viewed any of these proceedings on the news & reminds to speak slowly for the court reporter	
8:54:26 AM	Ms. Blake	Direct exam	
8:56:04 AM	Mr. Archibald	Continuing objection to this witness under 404(b)	
8:56:18 AM	Judge Boyce	Notes continuing objection to evidence relating to Arizona, court made a previous ruling in February- jurors have been given a limited instruction on the matter	
8:56:50 AM	Judge Boyce	Objection Overruled	
8:56:54 AM	Ms. Blake	Direct exam conts	
9:05:52 AM	Mr. Archibald	Objection – Hearsay	

9:05:54 AM	Judge Boyce	Objection is Overruled
9:05:57 AM	Ms. Blake	Direct exam conts
9:06:26 AM	Mr. Archibald	Objection – Hearsay
9:06:27 AM	Ms. Blake	Not for the matter of the truth
9:06:30 AM	Judge Boyce	Objection is Sustained
9:06:31 AM	Ms. Blake	Direct conts
9:07:14 AM	Mr. Archibald	Objection – Hearsay
9:07:19 AM	Ms. Blake	Responds
9:07:30 AM	Judge Boyce	Please clarify with the witness
9:07:33 AM	Ms. Blake	Direct exam conts
9:08:21 AM	Mr. Archibald	Objection – Speculation
9:08:22 AM	Ms. Blake	Responds
9:08:27 AM	Judge Boyce	Need additional foundation
9:08:35 AM	Judge Boyce	Objection is Sustained on those grounds for now
9:08:41 AM	Ms. Blake	Direct exam conts
9:10:15 AM	Mr. Archibald	Objection – Relevance
9:10:17 AM	Judge Boyce	Objection is Overruled
9:10:18 AM	Ms. Blake	Direct exam conts
9:11:51 AM	Mr. Archibald	Objection – Hearsay
9:11:56 AM	Judge Boyce	Objection is Sustained
9:11:58 AM	Ms. Blake	Not being offered for the truth of the matter
9:12:10 AM	Judge Boyce	Objection is being sustained because, “did he learn anything” and I didn’t see any foundation about he personally, would have that information unless it was revealed through hearsay of another

9:13:09 AM	Ms. Blake	Direct exam conts
9:14:15 AM	Mr. Archibald	Objection – Hearsay
9:14:17 AM	Judge Boyce	Objection is Overruled
9:14:18 AM	Ms. Blake	Direct exam conts
9:14:58 AM	Mr. Archibald	Previously objected to this testimony in its entirety. No questions
9:15:20 AM	Ms. Blake	Asked the witness be released from subpoena
9:15:25 AM		No objection
9:15:27 AM		Witness is excused
9:16:24 AM		Sworn In Sidney Woodbury Schenk (SW 18)
9:16:39 AM	Judge Boyce	Inquires if witness has watched or viewed any of these proceedings on the news & reminds to speak slowly for the court reporter
9:16:50 AM	Mr. Wood	Direct exam
9:27:08 AM	Mr. Archibald	Cross exam
9:30:17 AM	Mr. Wood	No redirect and she may be released from her subpoena
9:30:28 AM	Mr. Archibald	No objection
9:30:30 AM		Witness excused
9:31:14 AM		Sworn In Josh Wilson (SW19)
9:31:36 AM	Judge Boyce	Inquires if witness has watched or viewed any of these proceedings on the news & reminds to speak slowly for the court reporter
9:32:01 AM	Mr. Rammell	Direct exam
9:37:10 AM	Mr. Archibald	Cross exam
9:39:09 AM	Judge Boyce	Any objection to the witness being excused from their subpoena
9:39:12 AM	Parties	No objection
9:39:14 AM		Witness is excused
9:40:05 AM		Sworn In Wynn Hill (SW20)
9:40:14 AM	Judge Boyce	Inquires if witness has watched or viewed any of these proceedings on the news & reminds to speak slowly for the court reporter

9:40:37 AM	Mr. Rammell	Direct exam
9:43:27 AM	Mr. Archibald	No cross
9:43:37 AM	Judge Boyce	Any objection to the witness being excused from their subpoena
9:43:42 AM	Parties	No objection
9:43:46 AM		Witness is excused
9:43:55 AM	Judge Boyce	Request sidebar with counsel
9:44:03 AM		Sidebar/ Simulcast Off
9:45:10 AM		Simulcast On
9:46:12 AM	Judge Boyce	Will take the morning break at this time
9:46:55 AM		Court in recess
10:16:05 AM		Court resumes. The jury is not present. Simulcast On
10:16:44 AM	Judge Boyce	It's been brought to the court's attention that there may be an issue with the exclusionary rule with the state's next witness
10:17:09 AM	Ms. Smith	Yes, your honor it is David Warwick
10:17:16 AM	Judge Boyce	We will swear in the witness and exam regarding that issue only- outside the presence of the jury
10:17:45 AM		Sworn In David Warwick (SW21)
10:18:23 AM	Judge Boyce	Before testimony in front of the jury - the court had previously issued an exclusionary rule; the state has brought to the court's attention there may have been an issue with that; the court will allow inquiry as to the issue- keep it to that scope only
10:19:11 AM	Ms. Smith	Direct exam (outside the presence of the jury)
10:23:25 AM	Mr. Archibald	Cross exam (outside the presence of the jury)
10:28:54 AM	Ms. Smith	Objection - Vague
10:28:57 AM	Judge Boyce	Agree- we need to know when it occurred

<u>10:29:05 AM</u>	Mr. Archibald	Cross conts (outside the presence of the jury)
<u>10:29:57 AM</u>	Ms. Smith	Conts direct exam (outside the presence of the jury)
<u>10:33:15 AM</u>	Judge Boyce	Does defense have any motions?
<u>10:33:23 AM</u>	Mr. Archibald	Yes, Idaho rule 615 has been violated
<u>10:33:44 AM</u>		Ask he be excluded
<u>10:33:49 AM</u>	Ms. Smith	Response - needs to consider the willful nature of the conduct and if any harm was done; court can use its discretion and remedy the situation without excluding the witness
<u>10:36:13 AM</u>	Mr. Archibald	Rebuttal - have rules for a reason; witness purposefully watched interviews
<u>10:37:20 AM</u>	Judge Boyce	Ruling- Order for exclusion witness was entered before trial started; analysis of the rule is set out- it is in the trial court's discretion as to which sanction
<u>10:38:20 AM</u>		Puts sanction remedies on the record (4)
<u>10:38:58 AM</u>		Will need to look at conduct, fairness and credibility of the witnesses that testify in front of this jury
<u>10:40:04 AM</u>		Conduct doesn't rise to the level of exclusion
<u>10:40:11 AM</u>		Find conduct was willful - allow the defense to comment on the witness's noncompliance- will be permitted on cross
<u>10:41:00 AM</u>		Will not exclude his testimony but will admonish the witness
<u>10:41:30 AM</u>	Mr. Thomas	Request sidebar
<u>10:41:35 AM</u>		Sidebar/ Simulcast Off
<u>10:44:35 AM</u>		Simulcast On
<u>10:44:39 AM</u>	Judge Boyce	Back on the record. Do parties have any questions per the court's ruling?
<u>10:45:25 AM</u>	Parties	No questions

<u>10:45:44 AM</u>	Judge Boyce	Please bring in the jury
<u>10:48:58 AM</u>		Jury is present
<u>10:49:44 AM</u>	Judge Boyce	Back on the record. State has called its next witness; they have been previously sworn and are on the witness stand
<u>10:50:07 AM</u>	Ms. Smith	Direct exam
<u>11:15:54 AM</u>	Mr. Archibald	Cross exam
<u>11:17:23 AM</u>	Ms. Smith	Objection - Relevance
<u>11:17:25 AM</u>	Judge Boyce	Objection is Overruled
<u>11:17:26 AM</u>	Mr. Archibald	Cross exam conts
<u>11:21:38 AM</u>	Ms. Smith	Objection - Relevance
<u>11:21:43 AM</u>	Judge Boyce	Allow some, needs to tie in to direct
<u>11:21:52 AM</u>	Mr. Archibald	Cross exam conts
<u>11:24:31 AM</u>	Ms. Smith	Objection - Relevance
<u>11:24:34 AM</u>	Mr. Archibald	Goes toward the witness's credibility
<u>11:24:46 AM</u>	Ms. Smith	Response Re: Rule 610
<u>11:25:16 AM</u>	Judge Boyce	Still within scope of permissible of cross exam based on direct exam
<u>11:25:32 AM</u>	Mr. Archibald	Cross exam conts
<u>11:27:01 AM</u>	Ms. Smith	Objection - Relevance
<u>11:27:05 AM</u>	Judge Boyce	At this point we may be getting away from direct, please tie it in or I will have to sustain; cross exam conts

11:27:25 AM	Ms. Smith	Objection - Misstates evidence
11:27:31 AM	Judge Boyce	Objection is Overruled
11:27:33 AM	Mr. Archibald	Cross exam conts
11:31:45 AM	Ms. Smith	Objection - Speculation
11:31:46 AM	Judge Boyce	Objection is Overruled
11:31:48 AM	Mr. Archibald	Cross exam conts
11:39:08 AM	Mr. Thomas	Objection - Relevance
11:39:20 AM	Judge Boyce	Objection is Sustained
11:39:27 AM	Mr. Archibald	Cross exam conts
11:41:43 AM	Ms. Smith	Redirect exam
11:43:58 AM	Judge Boyce	Any objection from this witness being released from subpoena?
11:44:18 AM	Parties	No objection
11:44:20 AM		Witness is excused
11:44:38 AM	Judge Boyce	Will take the lunch break at this time. Would like a brief sidebar with counsel regarding scheduling
11:45:46 AM		Court is in recess
12:55:32 PM		Court resumes. Jury is not present.
12:56:33 PM	Judge Boyce	Can I have a quick sidebar with counsel
12:57:43 PM		Sidebar/ Simulcast Off
12:58:50 PM		Jury is present.
12:59:25 PM	Judge Boyce	Back on the record. All jurors are present. The state will be calling another witness. Met with counsel on a sidebar- state's case in chief

		is moving more quickly than anticipated- we will not be having trial on Friday- will start back up on Monday
1:00:19 PM	Ms. Smith	Correct
1:00:33 PM	Mr. Archibald	No concerns from defense
1:01:01 PM	Judge Boyce	Technical issue being sorted out right now; effects the overhead projector and exhibits, techs will be in here working on it, we will commence with testimony now
1:02:06 PM		Sworn In Bruce Mattingly (SW22)
1:02:38 PM	Judge Boyce	Inquires if witness has watched or viewed any of these proceedings on the news & reminds to speak slowly for the court reporter
1:03:08 PM	Mr. Rammell	Direct exam
1:08:18 PM	Mr. Archibald	No cross examination
1:08:25 PM	Judge Boyce	Witness not released from subpoena; will be recalled later
1:08:51 PM		Witness excused for the day
1:09:33 PM		Sworn In Benjamin Dean (SW23)
1:10:22 PM	Judge Boyce	Inquires if witness has watched or viewed any of these proceedings on the news & reminds to speak slowly for the court reporter
1:10:23 PM	Mr. Rammell	Direct exam
1:27:21 PM		State's Exhibit #229 previously marked is handed to the witness for identification
1:28:28 PM		Moves to admit SE #229
1:29:31 PM	Mr. Archibald	No objection
1:29:43 PM	Judge Boyce	STATE'S EXHIBIT #229 IS ADMITTED
1:29:54 PM		Direct exam conts
1:30:02 PM	Mr. Rammell	Moves to publish SE #229
1:30:12 PM	Judge Boyce	You may publish SE #229

1:30:18 PM	Mr. Rammell	Direct exam conts
1:35:14 PM	Mr. Archibald	No questions for this witness
1:35:23 PM		Move to release this witness from subpoena
1:35:29 PM	Mr. Archibald	No objection
1:35:31 PM	Judge Boyce	Witness is excused from their subpoena
1:36:19 PM	Ms. Smith	Request sidebar
1:36:25 PM		Sidebar/ Simulcast Off
1:39:13 PM		Simulcast On
1:41:09 PM		Sworn In David Stubbs (SW24)
1:41:44 PM	Judge Boyce	Inquires if witness has watched or viewed any of these proceedings on the news & reminds to speak slowly for the court reporter
1:42:23 PM	Ms. Smith	Asks the witness to ID himself and spell his last name
1:43:06 PM		State will move to admit the following business records:
1:43:24 PM		103
1:44:14 PM	Mr. Archibald	No Objection
1:44:19 PM	Judge Boyce	STATE'S EXHIBIT #103 IS ADMITTED
1:44:25 PM	Ms. Smith	104
1:44:56 PM	Mr. Archibald	No objection
1:44:57 PM	Judge Boyce	STATE'S EXHIBIT #104 IS ADMITTED
1:45:14 PM	Ms. Smith	105
1:45:37 PM	Mr. Archibald	No objection
1:45:38 PM	Judge Boyce	STATE'S EXHIBIT #105 IS ADMITTED

1:45:51 PM		106
1:46:14 PM	Mr. Archibald	Certificates of Affidavits- the actual pages arent attached, is that correct
1:46:32 PM	Ms. Smith	Yes- instead of attaching multiple pages to the jury, we are only submitting the specific pages with each witness
1:46:59 PM	Mr. Archibald	No objection
1:47:02 PM	Judge Boyce	STATE'S EXHIBIT #106 IS ADMITTED
1:47:03 PM	Ms. Smith	107
1:47:19 PM	Mr. Archibald	No objection
1:47:20 PM	Judge Boyce	STATE'S EXHIBIT #107 IS ADMITTED
1:47:27 PM	Ms. Smith	108
1:47:46 PM	Mr. Archibald	No objection
1:47:49 PM	Judge Boyce	STATE'S EXHIBIT #108 IS ADMITTED
1:47:53 PM	Ms. Smith	109
1:48:13 PM	Mr. Archibald	No objection
1:48:14 PM	Judge Boyce	STATE'S EXHIBIT #109 IS ADMITTED
1:48:32 PM	Ms. Smith	123
1:49:10 PM	Mr. Archibald	No objection
1:49:12 PM	Judge Boyce	STATE'S EXHIBIT #123 IS ADMITTED
1:49:24 PM	Ms. Smith	124
1:49:47 PM	Mr. Archibald	No objection

1:49:48 PM	Judge Boyce	STATE'S EXHIBIT #124 IS ADMITTED
1:50:03 PM	Ms. Smith	125
1:50:16 PM	Mr. Archibald	No objection
1:50:17 PM	Judge Boyce	STATE'S EXHIBIT #125 IS ADMITTED
1:50:23 PM	Ms. Smith	126
1:50:39 PM	Mr. Archibald	No objection
1:50:40 PM	Judge Boyce	STATE'S EXHIBIT #126 IS ADMITTED
1:50:49 PM	Ms. Smith	127
1:51:15 PM	Mr. Archibald	No objection
1:51:16 PM	Judge Boyce	STATE'S EXHIBIT #127 IS ADMITTED
1:51:44 PM	Ms. Smith	120
1:51:56 PM	Mr. Archibald	No objection
1:52:08 PM	Judge Boyce	STATE'S EXHIBIT #120 IS ADMITTED
1:52:21 PM	Ms. Smith	128
1:52:49 PM	Mr. Archibald	No objection
1:52:51 PM	Judge Boyce	STATE'S EXHIBIT #128 IS ADMITTED
1:52:57 PM	Ms. Smith	129
1:53:06 PM	Mr. Archibald	No objection

1:53:07 PM	Judge Boyce	STATE'S EXHIBIT #129 IS ADMITTED
1:53:15 PM	Ms. Smith	130
1:53:30 PM	Mr. Archibald	No objection
1:53:30 PM	Judge Boyce	STATE'S EXHIBIT #130 IS ADMITTED
1:53:37 PM	Ms. Smith	131
1:53:57 PM	Mr. Archibald	No objection
1:54:00 PM	Judge Boyce	STATE'S EXHIBIT #131 IS ADMITTED
1:54:03 PM	Ms. Smith	132
1:54:24 PM	Mr. Archibald	No objection
1:54:26 PM	Judge Boyce	STATE'S EXHIBIT #132 IS ADMITTED
1:54:31 PM	Ms. Smith	133
1:54:53 PM	Mr. Archibald	No objection
1:54:55 PM	Judge Boyce	STATE'S EXHIBIT #133 IS ADMITTED
1:55:03 PM	Ms. Smith	134
1:55:32 PM	Mr. Archibald	No objection
1:55:35 PM	Judge Boyce	STATE'S EXHIBIT #134 IS ADMITTED
1:56:03 PM	Ms. Smith	135
1:56:09 PM	Mr. Archibald	No objection

1:56:11 PM	Judge Boyce	STATE'S EXHIBIT #135 IS ADMITTED
1:56:26 PM	Ms. Smith	136
1:56:39 PM	Mr. Archibald	No objection
1:56:41 PM	Judge Boyce	STATE'S EXHIBIT #136 IS ADMITTED
1:56:46 PM	Ms. Smith	137
1:56:59 PM	Mr. Archibald	No objection
1:57:01 PM	Judge Boyce	STATE'S EXHIBIT #137 IS ADMITTED
1:57:08 PM	Ms. Smith	138
1:57:26 PM	Mr. Archibald	No objection
1:57:28 PM	Judge Boyce	STATE'S EXHIBIT #138 IS ADMITTED
1:57:39 PM	Ms. Smith	143
1:58:09 PM	Mr. Archibald	No objection
1:58:11 PM	Judge Boyce	STATE'S EXHIBIT #143 IS ADMITTED
1:58:54 PM	Ms. Smith	Direct exam commences
2:07:43 PM		State's Exhibit #36B and 36C previously marked is handed to the witness for identification
2:08:32 PM		Moves to admit SE #36B & 36C
2:08:38 PM	Mr. Archibald	No objection
2:08:53 PM	Judge Boyce	STATE'S EXHIBITS #36B and 36C ARE ADMITTED
2:08:56 PM	Ms. Smith	Moves to publish SE #36B & 36C

2:09:42 PM	Judge Boyce	You may publish SE #36B & 36C
2:10:20 PM	Ms. Smith	Direct exam conts
2:13:55 PM	Mr. Archibald	Objection - Hearsay
2:13:57 PM	Judge Boyce	Objection is Sustained
2:13:59 PM	Ms. Smith	Direct exam conts
2:16:23 PM	Mr. Archibald	Objection - Hearsay
2:16:25 PM	Ms. Smith	Not offering for the truth of the matter
2:16:36 PM	Judge Boyce	If the witness can get there without making statements from others, would be more appropriate
2:16:55 PM	Ms. Smith	Direct exam conts
2:17:50 PM	Mr. Archibald	Objection -
2:17:51 PM	Ms. Smith	Will move on; direct conts
2:20:31 PM		State's Exhibit #59 previously marked is handed to the witness for identification
2:21:27 PM		Moves to admit SE #59
2:21:31 PM	Mr. Archibald	No objection
2:21:33 PM	Judge Boyce	STATE'S EXHIBIT #59 IS ADMITTED
2:21:38 PM	Ms. Smith	Moves to publish SE #59
2:21:39 PM	Judge Boyce	You may publish SE #59; to be clear the exhibit is the thumb drive
2:21:52 PM	Ms. Smith	Direct exam conts
2:35:24 PM	Mr. Archibald	Objection - Hearsay

2:35:26 PM	Judge Boyce	Objection is Overruled
2:35:27 PM	Ms. Smith	Direct exam conts
2:35:55 PM	Mr. Archibald	Objection - Hearsay
2:35:56 PM	Ms. Smith	Would like to connect with the next question
2:36:06 PM	Mr. Archibald	Only way he can answer is with hearsay
2:36:16 PM	Ms. Smith	Responds- not offering for the truth but why the witness felt or did what he did in that circumstance
2:36:44 PM	Judge Boyce	Objection is Overruled
2:37:22 PM	Ms. Smith	Direct exam conts
2:39:57 PM		Court in recess.
3:01:32 PM		Court resumes. Simulcast On
3:04:39 PM		They jury is present.
3:05:14 PM	Judge Boyce	Back on the record. Witness reminded still under oath
3:05:39 PM	Ms. Smith	Direct exam conts
3:06:42 PM		State's Exhibit #60 previously marked is handed to the witness for identification
3:07:05 PM		Moves to admit SE #60
3:07:11 PM	Mr. Archibald	No objection
3:07:12 PM	Judge Boyce	STATE'S EXHIBIT #60 IS ADMITTED
3:07:17 PM	Ms. Smith	Moves to publish SE #60
3:07:18 PM	Judge Boyce	You may publish SE #60
3:07:19 PM	Ms. Smith	Direct exam conts

3:13:28 PM	Mr. Archibald	Objection - Hearsay
3:13:29 PM	Judge Boyce	Objection is Sustained
3:13:30 PM	Ms. Smith	Direct exam conts
3:14:10 PM	Mr. Archibald	Objection - Hearsay
3:14:13 PM	Ms. Smith	Talking about the def's statement
3:14:23 PM	Judge Boyce	Objection is Sustained
3:14:30 PM	Ms. Smith	Direct exam conts
3:15:49 PM	Mr. Archibald	Objection - Hearsay
3:15:53 PM	Judge Boyce	Objection is Sustained
3:15:57 PM	Ms. Smith	Direct exam conts
3:18:09 PM	Mr. Archibald	Objection - Hearsay
3:18:14 PM	Judge Boyce	Objection is Overruled
3:18:19 PM	Ms. Smith	Direct exam conts
3:21:17 PM		State's Exhibit #7J previously marked is handed to the witness for identification
3:21:33 PM		Moves to admit SE #7J
3:21:39 PM	Mr. Archibald	No objection
3:21:41 PM	Judge Boyce	STATE'S EXHIBIT #7J IS ADMITTED
3:21:44 PM	Ms. Smith	Moves to publish SE #7J
3:21:45 PM	Judge Boyce	You may publish SE #7J

3:21:46 PM	Ms. Smith	Direct exam conts
3:29:55 PM	Judge Boyce	Suggest we adjourn for the day if this is a good time
3:30:05 PM		Jury admonished and excused for the day. Returning Monday
3:30:47 PM		Jury is excused
3:31:51 PM		Court in recess for the day