

Description	Judge Boyce * S. Holstine * Patricia Bath * 04/24/23 * Fremont Co. Case		
Date	4/24/2023	Location	1A-CRT400
Time	Speaker	Note	
8:31:03 AM		CR22-21-1624 St v Lori Vallow Jury Trial Day 9	
8:31:08 AM	State Attys	Lindsay Blake - Robert Wood - Rachel Smith - Tawnya Rawlings for the State	
8:31:09 AM	Def Attys	Jim Archibald - John Thomas for the Defense	
8:31:10 AM	Defendant	Is present in custody	
8:31:12 AM		Simulcast On	
8:31:46 AM	Judge Boyce	Calls case. Counsel and all parties are present	
8:32:24 AM	Ms. Smith	State ready to proceed	
8:32:27 AM	Mr. Thomas	Defense ready to proceed	
8:32:31 AM	Judge Boyce	I'm told the jurors are all present and have signed their affirmations. We'll bring the jurors in and the State may continue with their case in chief	
8:33:00 AM	Judge Boyce	Bring the jury in please	
8:36:30 AM		The jury is present	
8:36:33 AM	Judge Boyce	Comments to jurors. Juror admonitions have been signed. Reminder of courtroom conduct order that is in effect. Detective Stubbs is back on the stand and remains under oath. The State may continue with their direct examination	
8:38:03 AM	Ms. Smith	Continues Direct Examination of SW#24 - Detective David Stubbs	
8:48:33 AM	Ms. Smith	State's Exhibit #296 previously marked is handed to the witness for identification	
8:48:36 AM	Ms. Smith	CDX of SW#	
8:48:53 AM	Ms. Smith	Moves to admit and publish SE #296	
8:48:56 AM	Mr. Thomas	Questions SW#24 in aid of objection	
8:49:54 AM	Mr. Thomas	No objection	
8:49:57 AM	Judge Boyce	STATE'S EXHIBIT #296 IS ADMITTED and may be published	
8:50:02 AM	Ms. Smith	CDX of SW#24	

9:20:48 AM		State's Exhibit #107 previously admitted is handed to the witness for identification
9:20:57 AM	Ms. Smith	CDX of SW#24
9:21:14 AM	Judge Boyce	Comments. You may publish SE#107
9:21:32 AM	Judge Boyce	Let's have a discussion on exhibits
9:22:22 AM	Judge Boyce	Requests Sidebar
9:22:31 AM		SIDEBAR - Simulcast Off
9:26:50 AM		Simulcast On
9:27:01 AM	Judge Boyce	We will take a morning break.
9:27:28 AM		COURT RECESSES - Simulcast Off
9:50:53 AM		COURT RESUMES. Jury is not present
9:51:13 AM	Judge Boyce	Bring the jury in please
9:51:22 AM		Simulcast On
9:52:31 AM	Judge Boyce	Inquires about exhibits
9:52:54 AM	Ms. Smith	Responds
9:52:58 AM		The jury is present
9:53:14 AM	Judge Boyce	Back on the record. The State may continue
9:53:32 AM	Ms. Smith	CDX of SW#24
9:53:52 AM		SE #107A IS PUBLISHED
9:54:03 AM	Ms. Smith	CDX of SW#24
10:01:57 AM	Ms. Smith	State's Exhibit #157 previously marked is handed to the witness for identification
10:02:00 AM	Ms. Smith	CDX of SW#24
10:02:28 AM	Ms. Smith	Moves to admit SE #157
10:03:01 AM	Mr. Thomas	Questions SW#24 in aid of objection
10:04:31 AM	Ms. Smith	Objects to SE#157
10:04:38 AM	Ms. Smith	CDX of SW#24
10:04:56 AM	Ms. Smith	Moves to admit SE #157
10:05:02 AM	Judge Boyce	Comments. SE#157 is provisionally admitted until the contents are confirmed
10:06:09 AM	Ms. Smith	CDX of SW#24
10:08:46 AM		Previously admitted SE#127A is shown to the witness

10:08:55 AM	Ms. Smith	CDX of SW#24
10:09:43 AM	Judge Boyce	I still haven't admitted SE#157
10:10:04 AM	Ms. Smith	I can show that to the witness to confirm
10:10:06 AM		Confers with witness and defense on SE#157
10:12:03 AM	Judge Boyce	We will be back on the record
10:12:29 AM	Judge Boyce	Parties have reviewed SE#157
10:12:47 AM	Mr. Thomas	Objects to SE#157 - I thought there was only one file per jump drive and this has multiple
10:13:16 AM	Ms. Smith	The court had requested we not put multiple records from multiple agencies on jump drives. This is the google search return for chad.daybell gmail account. Further comments
10:14:41 AM	Judge Boyce	I didn't necessarily have a ruling on the record on exhibits. Comments on jump drive. The other files on the jump drive have been disclosed
10:15:57 AM	Ms. Smith	Yes, they have been given to the defense
10:16:22 AM	Judge Boyce	Any further response on your objection
10:16:31 AM	Mr. Thomas	No, Your Honor
10:16:36 AM	Judge Boyce	STATE'S EXHIBIT #157 IS ADMITTED
10:16:53 AM	Ms. Smith	Inquires of the court on exhibits
10:17:15 AM	Judge Boyce	Responds
10:17:29 AM	Ms. Smith	CDX of SW#24
10:17:30 AM	Ms. Smith	Previously admitted SE#127A is shown to the witness
10:17:32 AM	Ms. Smith	Moves to publish SE #127A
10:17:46 AM	Mr. Thomas	No objection
10:18:02 AM		SE #127A IS PUBLISHED
10:18:08 AM	Ms. Smith	CDX of SW#24
10:28:24 AM	Mr. Thomas	Objection - Leading
10:28:27 AM	Judge Boyce	It's leading
10:28:29 AM	Ms. Smith	I'm going to object to speaking objections
10:28:33 AM	Judge Boyce	Counsel, move on without the leading questions please
10:28:34 AM	Ms. Smith	CDX of SW#24
10:32:58 AM		State's Exhibits #61A-61H previously marked are handed to the witness for identification

10:33:35 AM	Ms. Smith	CDX of SW#24
10:35:20 AM	Ms. Smith	Moves to admit SE #61A-61H
10:35:27 AM	Mr. Thomas	Questions SW#24 in aid of objection
10:36:57 AM	Mr. Thomas	No objection
10:37:01 AM	Judge Boyce	STATE'S EXHIBITS #61A-61H ARE ADMITTED and may be published
10:37:35 AM	Ms. Smith	CDX of SW#24
10:42:39 AM	Ms. Smith	No further questions of this witness
10:42:46 AM	Judge Boyce	The defense may proceed
10:43:00 AM	Mr. Thomas	Cross Examination of SW#24
10:54:16 AM	Mr. Thomas	No further questions of this witness
10:54:17 AM	Ms. Smith	RDX of SW#24
10:57:21 AM	Ms. Smith	No further questions of this witness
10:57:25 AM	Mr. Thomas	RCX of SW#24
10:58:04 AM	Ms. Smith	Objection - Asked and Answered
10:58:05 AM	Judge Boyce	Objection is Overruled
10:58:06 AM	Mr. Thomas	RCX of SW#24
10:58:20 AM	Mr. Thomas	Objection - Asked and Answered
10:58:28 AM	Judge Boyce	Objection is Overruled
10:58:34 AM	Mr. Thomas	RCX of SW#24
10:58:49 AM	Mr. Thomas	No further questions of this witness
10:58:57 AM	Judge Boyce	Inquires about lunch break
10:59:29 AM	Judge Boyce	May this witness step down and be excused
10:59:37 AM	Ms. Smith	We ask they remain under subpoena
10:59:41 AM	Judge Boyce	Witness may step down but remains under subpoena
10:59:58 AM	Ms. Blake	CALLS STATE'S WITNESS #25 - Nicole Heideman/Sworn
11:00:32 AM	Ms. Blake	Direct Examination of SW#25
11:00:35 AM	Ms. Blake	State's Exhibit #184A previously marked is handed to the witness for identification
11:04:14 AM	Ms. Blake	Moves to admit SE #184A (jump drive & courtesy printout)
11:04:15 AM	Mr. Thomas	Questions SW#25 in aid of objection
11:05:15 AM	Mr. Thomas	No objection

11:05:21 AM	Judge Boyce	STATE'S EXHIBIT #184A IS ADMITTED (jump drive)
11:05:34 AM	Ms. Blake	Moves to publish SE #25
11:05:38 AM	Judge Boyce	You may publish SE #25
11:05:49 AM	Judge Boyce	Responds
11:06:28 AM		SE #184A IS PUBLISHED
11:06:32 AM	Ms. Blake	CDX of SW#25
11:08:32 AM	Mr. Thomas	Objection -
11:08:38 AM	Ms. Blake	Responds. I will ask a clarifying question
11:08:44 AM	Judge Boyce	Go ahead
11:08:46 AM	Ms. Blake	CDX of SW#25. Does that take care of the objection
11:09:03 AM	Mr. Thomas	Yes, that takes care of the objection
11:09:06 AM	Ms. Blake	CDX of SW#25
11:14:37 AM	Mr. Thomas	Objection - misstated
11:14:46 AM	Judge Boyce	Objection is Sustained
11:14:48 AM	Ms. Blake	CDX of SW#25
11:19:25 AM	Ms. Blake	State's Exhibit #186 previously marked is handed to the witness for identification
11:20:06 AM	Ms. Blake	CDX of SW#25
11:20:28 AM	Ms. Blake	Moves to admit SE #186 - (jump drive & courtesy printout)
11:20:31 AM	Mr. Thomas	No objection
11:20:34 AM	Judge Boyce	STATE'S EXHIBIT #186 IS ADMITTED (jump drive)
11:20:39 AM	Ms. Blake	Moves to publish SE #186
11:20:41 AM	Judge Boyce	You may publish SE #186
11:20:43 AM		SE #186 IS PUBLISHED
11:20:49 AM	Ms. Blake	CDX of SW#25
11:43:58 AM	Mr. Thomas	Objection - misstates the evidence
11:44:00 AM	Judge Boyce	Objection is Sustained as to the final part of the response
11:44:21 AM	Ms. Blake	CDX of SW#25
11:48:54 AM	Ms. Blake	Inquires about lunch break
11:48:55 AM	Judge Boyce	Comments
11:48:56 AM	Ms. Blake	Responds

11:49:11 AM	Judge Boyce	We'll take our lunch recess. I hope to restart at 12:45
11:49:51 AM		Jurors Exit
11:50:06 AM		COURT RECESSES - Simulcast Off
12:49:23 PM		COURT RESUMES. Jury is not present
12:49:40 PM	Judge Boyce	Bring the jury in please
12:50:17 PM		Simulcast On
12:52:19 PM		The jury is present
12:52:31 PM	Judge Boyce	Back on the record. Jurors are all present. Counsel and all parties are present. The State may proceed with direct examination
12:52:57 PM	Ms. Blake	CDX of SW#25 - Nicole Heideman
12:53:58 PM		State's Exhibit #185 previously marked is handed to the witness for identification
12:54:25 PM	Ms. Blake	CDX of SW#25
12:55:14 PM	Ms. Blake	Moves to admit SE #185 (jump drive & courtesy copies)
12:55:18 PM	Mr. Thomas	Objection - irrelevant
12:55:58 PM	Judge Boyce	We'll take those individually. Asks the State to address the irrelevancy objection to pages 2&3
12:56:20 PM	Ms. Blake	CDX of SW#25
12:57:18 PM	Ms. Blake	Makes argument to court on SE#185 and moves to admit
12:57:42 PM	Judge Boyce	Any further objection from the defense
12:57:56 PM	Mr. Thomas	Continues objection - I don't know if they are to or from Lori Vallow
12:58:15 PM	Judge Boyce	Comments. What is the source of this information
12:59:12 PM	Ms. Blake	May I inquire further
12:59:18 PM	Judge Boyce	Concern with foundation
12:59:23 PM	Ms. Blake	CDX of SW#25 in aid of objection
1:00:01 PM	Judge Boyce	Objection is Overruled to pages 2 & 3. Next objection
1:00:52 PM	Mr. Thomas	Objection was on page 5
1:00:53 PM	Judge Boyce	Per previous ruling on 404(b) evidence the objection is overruled.
1:01:31 PM	Ms. Blake	Moves to admit SE #185
1:01:36 PM	Judge Boyce	STATE'S EXHIBIT #185 IS ADMITTED (jump drive)

1:01:47 PM	Ms. Blake	Moves to publish SE #185
1:01:48 PM	Judge Boyce	You may publish SE #185
1:01:59 PM		SE #185 IS PUBLISHED
1:02:13 PM	Ms. Blake	CDX of SW#25
1:15:55 PM	Ms. Blake	State's Exhibit #230 previously marked is handed to the witness for identification. I understand this has already been stipulated to
1:17:18 PM	Ms. Blake	Moves to admit SE #230 based on stipulation
1:17:25 PM	Mr. Thomas	Objection - to completeness of exhibit
1:17:45 PM	Judge Boyce	Response from the State
1:18:07 PM	Ms. Blake	Requests sidebar
1:18:14 PM		SIDEBAR - Simulcast Off
1:20:30 PM		Simulcast On
1:20:32 PM	Judge Boyce	From sidebar I understand there are additional records the State will retrieve
1:20:38 PM	Ms. Blake	That is correct
1:20:41 PM	Judge Boyce	We will take a recess while that occurs
1:21:10 PM		COURT RECESSES - Simulcast Off
1:36:27 PM		COURT RESUMES. Jury is not present
1:36:30 PM	Judge Boyce	Bring the jury in please
1:36:32 PM		Simulcast On
1:38:34 PM		The jury is present
1:38:38 PM	Judge Boyce	Back on the record. The State
1:39:05 PM	Ms. Blake	There were missing parts to SE#230. We have now provided those. Moves to admit SE #230
1:39:34 PM	Mr. Thomas	No objection
1:39:39 PM	Judge Boyce	STATE'S EXHIBIT #230 IS ADMITTED
1:39:40 PM	Ms. Blake	CDX of SW#25
1:40:10 PM	Ms. Blake	State's Exhibit #185A previously marked is handed to the witness for identification
1:40:40 PM	Ms. Blake	CDX of SW#25
1:40:50 PM	Ms. Blake	Moves to admit SE #185A (jump drive & courtesy printout)
1:41:00 PM	Mr. Thomas	Objection - requests sidebar

1:41:09 PM		SIDEBAR - Simulcast Off
1:43:00 PM		Simulcast On
1:43:06 PM	Judge Boyce	After sidebar discussion, asks defense to make their objection
1:43:32 PM	Mr. Thomas	Objection - presumption as to dates of death and reference that they were killed
1:44:04 PM	Judge Boyce	I'll allow for this to be admitted as a demonstrative exhibit
1:44:29 PM	Judge Boyce	STATE'S EXHIBIT #185A IS ADMITTED (jump drive) - demonstrative only
1:44:51 PM	Ms. Blake	Moves to publish SE #185A
1:45:02 PM	Judge Boyce	You may publish SE #185A
1:45:04 PM		SE #185A IS PUBLISHED
1:45:12 PM	Ms. Blake	CDX of SW#25
1:50:10 PM	Ms. Blake	No further questions of this witness
1:50:12 PM	Mr. Thomas	Cross Examination of SW#25
1:50:15 PM	Mr. Thomas	Previously admitted SE#184 is shown to the witness
1:58:27 PM	Mr. Thomas	Previously admitted SE#185 is shown to the witness
1:59:40 PM	Mr. Thomas	CCX of SW#25
2:03:48 PM		Previously admitted SE#230 is shown to the witness
2:03:54 PM	Mr. Thomas	CCX of SW#25
2:06:11 PM		Previously admitted SE#185A is shown to the witness
2:06:19 PM	Mr. Thomas	CCX of SW#25
2:09:25 PM	Ms. Blake	Objection - counsel is testifying
2:09:31 PM	Judge Boyce	Objection is Sustained
2:09:33 PM	Mr. Thomas	CCX of SW#25
2:10:16 PM	Ms. Blake	Objection - Asked and Answered
2:10:20 PM	Judge Boyce	Objection is Overruled. Asks court reporter to restate the last question
2:10:39 PM	Mr. Thomas	CCX of SW#25
2:11:00 PM	Ms. Blake	Objection - argumentative
2:11:05 PM	Judge Boyce	Objection is Sustained
2:11:14 PM	Mr. Thomas	Previously admitted SE#186 is shown to the witness
2:11:55 PM	Mr. Thomas	CCX of SW#25

2:16:46 PM	Mr. Thomas	Previously admitted SE#184A is shown to the witness
2:16:51 PM	Mr. Thomas	CCX of SW#25
2:19:54 PM	Mr. Thomas	No further questions of this witness
2:19:58 PM	Ms. Blake	RDX of SW#25
2:22:01 PM	Mr. Thomas	No recross
2:22:10 PM	Ms. Blake	We ask they remain under subpoena
2:22:17 PM	Judge Boyce	Witness may step down and will remain under subpoena
2:22:32 PM	Judge Boyce	The State may call their next witness
2:22:50 PM	Mr. Wood	CALLS STATE'S WITNESS #26 - FBI Special Agent Nick Ballance/Sworn
2:23:37 PM	Mr. Wood	Direct Examination of SW#26 Nick Ballance
2:48:00 PM	Mr. Wood	Inquires if he should continue
2:48:02 PM	Judge Boyce	Let's have a quick sidebar
2:48:15 PM		SIDEBAR - Simulcast Off
2:49:28 PM		Simulcast On
2:49:33 PM	Judge Boyce	In lieu of a break I suggest we continue for 30 minutes and then call it a day. State may continue
2:49:51 PM	Judge Boyce	State's Exhibit #156 previously marked is handed to the witness for identification
2:49:51 PM	Mr. Wood	CDX of SW#2
2:52:13 PM	Mr. Wood	Moves to admit SE #156
2:52:27 PM	Mr. Thomas	Objection - completeness. Asks court have the State submit the entire report
2:53:11 PM	Mr. Wood	Argument. We can provide the whole report and ask that we continue with the witness and we can provide the full report at the end of the day
2:53:36 PM	Mr. Thomas	That's okay
2:53:47 PM	Judge Boyce	Objection is Overruled - Requires the complete report of SE#156 be provided
2:54:28 PM	Mr. Wood	We will provide that by tomorrow
2:54:35 PM	Mr. Wood	Moves to admit SE #156
2:54:40 PM	Judge Boyce	STATE'S EXHIBIT #156 IS ADMITTED (thumb drive)
2:54:57 PM	Judge Boyce	Witness may open the exhibit

2:55:26 PM	Mr. Wood	Moves to publish SE #156
2:55:40 PM	Judge Boyce	You may publish SE #156
2:55:44 PM		SE #156 IS PUBLISHED
2:56:03 PM	Mr. Wood	CDX of SW#26
3:23:11 PM	Judge Boyce	Let's consider breaking for the day
3:23:18 PM	Mr. Wood	That's fine with the State
3:23:22 PM	Judge Boyce	We will recess for the day. Admonishes the jurors.
3:24:11 PM		Jurors Exit
3:24:50 PM		END OF CASE

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