

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT**

STATE OF IDAHO

Plaintiff,

v.

LORI NORENE VALLOW aka LORI  
NORENE VALLOW DAYBELL,

Defendants.

Case No. CR22-21-1624

**MEMORANDUM DECISION and  
ORDER**

Pending before the Court is the State's Motion to reconsider this Court's decision to transfer trial in this matter from Fremont County, Idaho, to Ada County, Idaho. The Court held a hearing on April 19, 2022, and finding the matter fully briefed and argued, orders now as follows.<sup>1</sup>

**I. PROCEDURAL BACKGROUND**

On May 25, 2021, a Fremont County Grand Jury returned an Indictment charging Lori Norene Vallow ("Vallow Daybell") as a co-conspirator in the commission of several crimes—including two counts of first-degree murder.<sup>2</sup> Before Vallow could be arraigned in district court, pursuant to Idaho Code section 18–212, this Court found Vallow was legally incompetent to stand trial and committed her to DHW for care and treatment.<sup>3</sup> Accordingly, on June 9, 2021, the Court entered an order staying her case pending her commitment for restoration treatment. On April 11,

<sup>1</sup> The Court notes that the posture of CR22-21-1624 is that Ms. Vallow Daybell filed a motion to transfer trial through her attorney at the time on June 28, 2021 while her case had been ordered to be stayed. Her appointed attorney, Mr. James Archibald, joined in the objection Daybell raised related to the State's Motion to Reconsider the Court's order to transfer the trial to Ada County, and argument in opposition to the State's Motion was heard during the April 19, 2022 hearing.

<sup>2</sup> INDICTMENT: CR22-21-1624. May 25, 2021.

<sup>3</sup> The original order for commitment was filed in Fremont County Case CR22-20-838. See ORDER STAYING CASE. Fremont County Case No. CR22-21-1624. June 9, 2021. The Court made a finding to the record in the Order of Commitment that the State had initially indicated it would contest the issue of Vallow's incompetency. However, the State subsequently filed a "Withdrawal of Contest Re: 18–211" and therefore, made no objection to the findings that Vallow was not competent based upon the report of the appointed examiner, by which this Court entered an order committing Vallow to the Department of Health and Welfare ("DHW") for restoration treatment.

2022, Vallow Daybell was found competent and fit to proceed to trial. This Court lifted the stay of her case and ordered her to appear before the Court to be arraigned on April 19, 2022. Earlier that same day, the Court held a hearing regarding the transfer of a jury for the trial of Chad Guy Daybell and Lori Norene Vallow Daybell as named co-conspirators on the Indictment.<sup>4</sup>

The Defendant filed a Motion to Change Venue on July 21, 2021. The State opposed the motion. On October 10, 2021, the Court granted the Motion to Change Venue, but as distinguished from a true change of venue, the order of the Court has the effect of granting a transfer of trial, with the remainder of the case proceedings to continue in Fremont County. The Idaho Supreme Court entered an Order on October 21, 2021, affirming the order of this Court to transfer trial to Ada County “for purposes of trial only.”

On November 3, 2021, the State filed a motion asking the Court to allow the State to present additional evidence on the issue of transporting a jury from Ada County to Fremont County. Specifically, the State argued that the cost of transporting a jury to Fremont County is significantly less burdensome than the cost of trying the case in Ada County. On November 8, 2021, Daybell opposed the motion, styling the State’s motion as a motion for reconsideration. During a status conference on March 17, 2021, the State asked for a continuance on the hearing on the motion for reconsideration of the jury transport issue. The Court agreed to a short continuation and scheduled the hearing for April 19, 2022, during which the parties presented witnesses to the Court and filed exhibits for the Court’s consideration. Vallow Daybell’s counsel, Jim Archibald, made an oral objection to the motion during the hearing and argued in favor of the trial being transferred to Ada County.

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<sup>4</sup> See note 1, *supra*.















