

Description	Judge Boyce * S. Holstine * Patricia Bath * 05/04/23 * Fremont Co. Case	
Date	5/3/2023	Location 1A-CRT400
Time	Speaker	Note
8:44:59 AM		CR22-21-1624 St v Lori Vallow Jury Trial - Day 16
8:45:02 AM	State Attys	Lindsey Blake - Robert Wood - Rachel Smith - Tawnya Rawlings for the State
8:45:05 AM	Def Attys	Jim Archibald - John Thomas for the Defense
8:45:07 AM	Defendant	Is present in custody
8:45:34 AM		Simulcast On
8:45:36 AM	Judge Boyce	Bring the jury in please
8:48:57 AM		The jury is present
8:48:59 AM	Judge Boyce	Back on the record. All counsel and parties are present. All jurors are present and have signed their juror affirmation forms. The State will continue with its case in chief and may call their next witness
8:50:25 AM	Ms. Rawlings	CALLS STATE'S WITNESS #53 - Audrey Barattiero/Sworn
8:51:47 AM	Ms. Rawlings	Direct Examination of SW#53
9:27:09 AM	Ms. Rawlings	No further questions of this witness
9:27:16 AM	Judge Boyce	Counsel may cross
9:27:19 AM	Mr. Archibald	Cross Examination of SW#53
9:31:44 AM	Ms. Rawlings	Objection - Relevance
9:31:46 AM	Judge Boyce	Objection is Overruled
9:31:48 AM	Mr. Archibald	CCX of SW#53
9:35:33 AM	Ms. Rawlings	Objection - misstates witness's testimony
9:35:36 AM	Judge Boyce	Objection is Overruled
9:35:42 AM	Mr. Archibald	CCX of SW#53
9:44:27 AM	Ms. Rawlings	Objection - Relevance and beyond the scope
9:44:29 AM	Judge Boyce	Objection is Overruled
9:44:31 AM	Mr. Archibald	CCX of SW#53
9:45:34 AM	Ms. Rawlings	Objection - Asked and Answered
9:45:36 AM	Judge Boyce	Objection is Sustained

9:45:39 AM	Mr. Archibald	CCX of SW#53
9:45:54 AM	Ms. Rawlings	Objection - Argumentative
9:45:58 AM	Judge Boyce	Objection is Overruled
9:45:59 AM	Mr. Archibald	CCX of SW#53
9:47:14 AM	Ms. Rawlings	Objection - Argumentative
9:47:16 AM	Judge Boyce	Objection is Sustained
9:47:17 AM	Mr. Archibald	CCX of SW#53
9:47:43 AM	Ms. Rawlings	Objection -
9:47:47 AM	Judge Boyce	Objection is Sustained
9:47:49 AM	Mr. Archibald	CCX of SW#53
9:48:25 AM	Ms. Rawlings	Objection - Facts not in evidence
9:48:29 AM	Judge Boyce	Objection is Sustained
9:48:30 AM	Mr. Archibald	CCX of SW#53
9:49:59 AM	Ms. Rawlings	Objection - Relevance
9:50:00 AM	Judge Boyce	Objection is Overruled
9:50:07 AM	Mr. Archibald	CCX of SW#53
9:57:58 AM	Mr. Archibald	No further questions of this witness
9:58:04 AM	Judge Boyce	Any redirect
9:58:06 AM	Ms. Rawlings	Redirect Examination of SW#53
10:00:48 AM	Mr. Archibald	Objection -
10:00:52 AM	Judge Boyce	Objection is Overruled
10:01:03 AM	Mr. Archibald	Comments
10:01:08 AM	Ms. Rawlings	RDX of SW#53
10:04:27 AM	Ms. Rawlings	No further questions of this witness
10:04:35 AM	Judge Boyce	Defense may recross
10:04:36 AM	Mr. Archibald	Recross Examination of SW#53
10:05:51 AM	Ms. Rawlings	Objection - Argumentative
10:05:54 AM	Judge Boyce	Objection is Sustained
10:05:56 AM	Mr. Archibald	RCX of SW#53
10:06:27 AM	Ms. Rawlings	Objection - Speculation
10:06:30 AM	Judge Boyce	Objection is Overruled

10:06:32 AM	Mr. Archibald	RCX of SW#53
10:06:41 AM	Ms. Rawlings	Objection - Argumentative
10:06:45 AM	Judge Boyce	Objection is Overruled
10:06:46 AM	Mr. Archibald	RCX of SW#53
10:08:01 AM	Ms. Rawlings	Objection - Argumentative
10:08:04 AM	Judge Boyce	Objection is Overruled
10:08:06 AM	Mr. Archibald	RCX of SW#53
10:08:27 AM	Mr. Archibald	No further questions of this witness
10:08:35 AM	Ms. Rawlings	May I ask one additional question
10:08:37 AM	Judge Boyce	No. We will take our mid-morning recess at this time.
10:09:00 AM	Judge Boyce	May this witness step down and be excused
10:09:06 AM	Ms. Rawlings	No objection
10:09:08 AM	Mr. Archibald	No objection
10:09:09 AM	Judge Boyce	Witness may step down and be excused
10:09:19 AM		Jurors Exit
10:09:24 AM		COURT RECESSES - Simulcast Off
10:46:52 AM		COURT RESUMES. Jury is not present - Simulcast On
10:46:54 AM	Judge Boyce	Back on the record. All counsel and parties are present. Is the State prepared with their next witness
10:47:10 AM	Ms. Blake	We have our next witness ready - Vince Kaaiakamanu
10:47:17 AM	Judge Boyce	Bring the jury in please
10:49:35 AM		The jury is present
10:49:37 AM	Judge Boyce	The State may call their next witness
10:49:59 AM	Ms. Blake	CALLS STATE'S WITNESS #53 - Detective Vincent Kaaiakamanu/Sworn
10:51:07 AM	Ms. Blake	Direct Examination of SW#54
10:59:07 AM	Ms. Blake	State's Exhibit #291 previously marked is handed to the witness for identification
10:59:45 AM	Ms. Blake	CDX of SW#291
11:00:06 AM	Ms. Blake	Moves to admit SE #291
11:00:10 AM	Mr. Thomas	Questions SW#54 in aid of objection
11:00:43 AM	Mr. Thomas	Objects to SE#291

11:00:51 AM	Ms. Blake	Responds. I believe it's already in under SE#108 - this is an extraction from that exhibit
11:01:07 AM	Mr. Thomas	Objects to cumulative
11:01:13 AM	Ms. Blake	Responds
11:01:31 AM	Judge Boyce	The court inquires about SE#108
11:01:47 AM	Ms. Blake	Responds
11:02:53 AM	Ms. Blake	Further Clarification
11:03:10 AM	Mr. Thomas	Argues
11:03:15 AM	Ms. Blake	Further Clarification
11:03:45 AM	Judge Boyce	Comments. Requests Sidebar
11:04:07 AM		SIDEBAR - Simulcast Off
11:05:09 AM		Simulcast On
11:05:14 AM	Judge Boyce	The court has clarified and reviewed SE#108 - it contains records corresponding with email address in #291. Objection is overruled
11:06:05 AM	Judge Boyce	STATE'S EXHIBIT #291 IS ADMITTED
11:06:19 AM	Ms. Blake	I would ask the witness hold onto SE#291
11:06:23 AM	Mr. Thomas	I would ask he turn it over and not testify from it
11:06:33 AM	Ms. Blake	Responds
11:06:35 AM	Judge Boyce	You may publish SE#291
11:06:45 AM		SE #291 IS PUBLISHED
11:07:09 AM	Ms. Blake	CDX of SW#54
11:08:51 AM	Mr. Thomas	Objection -
11:08:56 AM	Ms. Blake	Argument
11:09:03 AM	Judge Boyce	Objection is Overruled
11:09:05 AM	Ms. Blake	CDX of SW#54
11:12:17 AM	Ms. Blake	State's Exhibit #107B previously marked is handed to the witness for identification
11:12:46 AM	Ms. Blake	CDX of SW#54
11:13:28 AM	Ms. Blake	Moves to admit SE #107B
11:13:34 AM	Mr. Thomas	Objects to SW#54
11:14:14 AM	Ms. Blake	Argument

11:14:53 AM	Judge Boyce	Makes ruling - Objection is Overruled.
11:15:20 AM	Judge Boyce	STATE'S EXHIBIT #107B IS ADMITTED (Thumb Drive w/PowerPoint Printouts - Demonstrative Only)
11:15:23 AM	Ms. Blake	Moves to publish SE #107B
11:15:24 AM	Judge Boyce	You may publish SE #107B
11:15:26 AM		SE #107B IS PUBLISHED
11:15:57 AM	Ms. Blake	CDX of SW#54
11:16:27 AM	Mr. Thomas	Objection
11:16:31 AM	Ms. Blake	Argument
11:16:33 AM	Judge Boyce	I'll keep the objection in mind. You may proceed
11:16:39 AM	Ms. Blake	CDX of SW#54
11:21:16 AM	Mr. Thomas	Objection - Speculation. Ask it be stricken
11:21:19 AM	Judge Boyce	Objection is Sustained. Answer is stricken and shall not be considered by the jury
11:21:28 AM	Ms. Blake	CDX of SW#54
11:22:00 AM	Mr. Thomas	Objection - Speculative
11:22:18 AM	Judge Boyce	Needs a clarification
11:22:25 AM	Ms. Blake	CDX of SW#54
11:23:06 AM	Mr. Thomas	Objection -
11:23:15 AM	Judge Boyce	Clarify these are attributed to an email
11:23:25 AM	Ms. Blake	Responds
11:23:28 AM	Ms. Blake	CDX of SW#54
11:26:25 AM	Mr. Thomas	Objection - Reading from exhibit
11:26:33 AM	Judge Boyce	Needs to be distinguished from memory or exhibit
11:26:46 AM	Ms. Blake	CDX of SW#54
11:28:13 AM	Mr. Thomas	Objection - Speculation
11:28:18 AM	Ms. Blake	I can ask clarifying question on that
11:28:20 AM	Judge Boyce	Okay - go ahead.
11:28:23 AM	Ms. Blake	CDX of SW#54
11:31:19 AM	Ms. Blake	State's Exhibit #281A & 281B previously marked is handed to the witness for identification
11:31:48 AM	Ms. Blake	CDX of SW#54

11:32:09 AM	Ms. Blake	Moves to admit SE #281A & 281B
11:32:18 AM	Mr. Thomas	Questions SW#54 in aid of objection
11:32:36 AM	Mr. Thomas	Objection
11:32:49 AM	Ms. Blake	It's up to the State how we choose to present evidence
11:33:02 AM	Mr. Thomas	Argument
11:33:19 AM	Judge Boyce	I'll take the objection under advisement - can be considered to have them submitted during the defense case. STATE'S EXHIBIT #281A & 281B IS ADMITTED
11:34:08 AM	Ms. Blake	Moves to publish SE #281A & 281B
11:34:20 AM	Judge Boyce	You may publish SE #281A & 281B
11:34:21 AM		SE #281A & 281B IS PUBLISHED
11:34:22 AM	Ms. Blake	CDX of SW#54
11:37:33 AM	Ms. Blake	Request sidebar
11:37:42 AM		SIDEBAR - Simulcast Off
11:39:18 AM		Simulcast On
11:39:20 AM	Judge Boyce	The State may continue with direct
11:39:31 AM	Ms. Blake	CDX of SW#54
11:39:49 AM	Ms. Blake	State's Exhibit #282 previously marked is handed to the witness for identification
11:40:45 AM	Ms. Blake	Moves to admit SE #282 for demonstrative purposes only
11:40:54 AM	Mr. Thomas	Objection - Inflammatory
11:41:17 AM	Ms. Blake	Argument
11:41:45 AM	Judge Boyce	Objection is Sustained. <u>DENIES</u> ADMISSION OF SE#282
11:42:21 AM	Ms. Blake	CDX of SW#54
11:54:27 AM	Ms. Blake	This is a good stopping point
11:54:31 AM	Judge Boyce	We'll take our lunch recess at this time.
11:54:47 AM		Jurors Exit
11:55:25 AM		COURT RECESSES - Simulcast Off
1:00:17 PM		COURT RESUMES. Jury is not present
1:00:21 PM		Simulcast On
1:00:31 PM	Judge Boyce	Bring the jury in please
1:02:52 PM		The jury is present

1:03:21 PM	Judge Boyce	Back on the record. Counsel and all parties are present. State's Witness is back on the stand and the witness remains under oath. The State may continue with direct
1:04:07 PM	Ms. Blake	CDX of SW#54 - Vincent Kaaiakamanu
1:04:34 PM	Ms. Blake	Asks to have the firearm/State's Exhibit #278, 279 & 280 brought into the court and shown to the witness
1:04:56 PM	Judge Boyce	Advises jury re: firearms/safety
1:06:05 PM	Ms. Blake	May the witness step down to review
1:06:37 PM	Judge Boyce	Asks witness to step down and review the items
1:07:23 PM	Ms. Blake	CDX of SW#54
1:08:47 PM	Ms. Blake	Moves to admit SE #280
1:08:54 PM	Mr. Thomas	Questions SW#54 in aid of objection
1:10:02 PM	Mr. Thomas	No objection
1:10:04 PM	Judge Boyce	STATE'S EXHIBITS #278, 279 & 280 ARE ADMITTED
1:10:38 PM	Ms. Blake	CDX of SW#54
1:12:07 PM	Ms. Blake	Asks permission for exhibit to be shown to the jury
1:12:09 PM	Judge Boyce	You may
1:12:49 PM	Ms. Blake	CDX of SW#54
1:12:55 PM	Judge Boyce	Defense may move to see the firearm
1:13:09 PM	Ms. Blake	CDX of SW#54
1:13:56 PM	Ms. Blake	No further questions of this witness
1:14:16 PM	Mr. Thomas	Cross Examination of SW#54
1:23:13 PM	Mr. Thomas	State's Exhibit #291 previously admitted is handed to the witness for identification
1:23:32 PM	Mr. Thomas	Moves to publish SE #291
1:23:34 PM	Judge Boyce	You may publish SE #291
1:23:35 PM		SE #291 IS PUBLISHED
1:23:47 PM	Mr. Thomas	CDX of SW#54
1:52:07 PM	Ms. Blake	Objection -
1:52:10 PM	Judge Boyce	Objection is Sustained
1:52:12 PM	Mr. Thomas	Extending Time to File Brief of Appellant
1:52:47 PM	Ms. Blake	Objection - Relevance

1:52:51 PM	Judge Boyce	Objection is Sustained. It's asked and answered
1:52:53 PM	Mr. Thomas	Extending Time to File Brief of Appellant
1:55:01 PM	Mr. Thomas	Asks witness to look at SE#278 & 279
1:55:05 PM	Ms. Blake	Do we need the handheld microphone
1:55:17 PM	Judge Boyce	They can be handed to the witness
1:55:21 PM	Mr. Thomas	State's Exhibit #278 & 279 previously admitted are handed to the witness and CCX of SW#54
1:56:21 PM	Mr. Thomas	Nothing further
1:56:30 PM	Judge Boyce	Returns the exhibits to the firearms table. Any redirect from the State
1:56:50 PM	Ms. Blake	RDX of SW#54
1:58:26 PM	Mr. Thomas	Objection - Beyond the Scope
1:58:33 PM	Judge Boyce	Objection is Overruled
1:58:41 PM	Ms. Blake	CRDX of SW#54
2:03:13 PM	Mr. Thomas	Objection -
2:03:17 PM	Judge Boyce	Objection is Sustained
2:03:20 PM	Ms. Blake	Argument
2:03:32 PM	Judge Boyce	Responds. Objection is Sustained
2:03:41 PM	Ms. Blake	CRDX of SW#54
2:05:02 PM	Ms. Blake	No further questions of this witness
2:05:12 PM	Judge Boyce	May this witness step down and be excused
2:05:25 PM	Ms. Blake	No objection
2:05:27 PM	Mr. Thomas	No objection
2:05:28 PM	Judge Boyce	Witness may step down and be excused
2:05:37 PM	Judge Boyce	Let's have a brief sidebar
2:05:40 PM		SIDEBAR - Simulcast Off
2:09:00 PM		Simulcast On
2:09:02 PM	Judge Boyce	Back on the record. There is a motion we will take up outside the presence of the jury. They will be excused from the courtroom and being the afternoon break.
2:09:59 PM		Jurors Exit

2:10:28 PM	Judge Boyce	The first matter relates to SE#278, 279 & 280 being able to be represented by photographs per Idaho law if stipulated to by the parties. Inquires of the parties
2:11:53 PM	Ms. Blake	We would stipulate
2:12:01 PM	Mr. Thomas	Defense will stipulate. Request that State use different exhibit in Chad Daybell trial
2:12:31 PM	Ms. Blake	Responds. We can make sure it is numbered differently
2:12:46 PM	Mr. Thomas	That works
2:12:48 PM	Judge Boyce	Thank you. The other matter is a request pertaining to one or more witnesses where there may have been a violation of the courts exclusionary rule
2:13:18 PM	Ms. Blake	Our request is to take these separately
2:13:42 PM	Mr. Archibald	We received info that Ian Pawlowski and Melanie Pawlowski have violated the exclusionary rule
2:14:55 PM	Ms. Blake	Argument as to Ian Pawlowski - asks he be allowed to testify
2:15:34 PM	Judge Boyce	I will take this under advisement. He will be questioned outside the presence of the jury after the break. Any other concerns
2:16:05 PM	Mr. Archibald	Those are the concerns with those two witnesses
2:16:20 PM	Judge Boyce	Will the State call Melanie
2:16:21 PM	Ms. Blake	We may
2:16:30 PM	Judge Boyce	Let's deal with the Ian issue after the break
2:16:52 PM		COURT RECESSES - Simulcast Off
2:47:06 PM		COURT RESUMES. Jury is not present
2:47:11 PM		Simulcast On
2:47:14 PM	Judge Boyce	Back on the record. The jury is not present. The court will now inquire of the witness directly. The State may call their next witness
2:48:09 PM	Ms. Blake	Witness has counsel present with him and will be in the courtroom - not here as an Idaho licensed attorney
2:48:31 PM	Judge Boyce	He is allowed to be here
2:48:36 PM	Ms. Blake	CALLS STATE'S WITNESS #55 - Ian Pawlowski/Sworn
2:49:14 PM	Judge Boyce	Inquires of SW#55 as to the court's exclusionary rule. Defense may inquire of the witness
2:51:21 PM	Mr. Archibald	Inquires of SW#55
2:52:29 PM	Ms. Blake	Objection - Hearsay

2:52:41 PM	Mr. Archibald	Continues inquiry of SW#55
2:53:28 PM	Ms. Blake	Objection -
2:53:32 PM	Judge Boyce	Objection is Sustained
2:53:36 PM	Mr. Archibald	Continues inquiry of SW#55
2:53:43 PM	Ms. Blake	Objection - Asked and Answered
2:53:47 PM	Judge Boyce	You may answer
2:53:50 PM	Mr. Archibald	Continues inquiry of SW#55
2:54:23 PM	Ms. Blake	Objection -
2:54:29 PM	Judge Boyce	Objection is Sustained. Addresses defense counsel
2:54:40 PM	Mr. Archibald	Continues inquiry of SW#55
2:55:27 PM	Mr. Archibald	Nothing further
2:55:31 PM	Judge Boyce	Any questions from the State
2:56:02 PM	Ms. Blake	Inquires of SW#55
2:56:43 PM	Ms. Blake	Nothing further
2:56:44 PM	Judge Boyce	Makes ruling - overrules the defense objection. The witness may testify before the jury
2:57:27 PM	Judge Boyce	Bring the jury in please
3:00:27 PM		The jury is present
3:00:30 PM	Judge Boyce	Back on the record. The State has called their next witness. He is on the stand and has been sworn. The State may begin their direct examination
3:01:22 PM	Ms. Blake	Direct Examination of SW#55 - Ian Pawlowski
3:04:33 PM	Mr. Thomas	Objection - Vague
3:04:35 PM	Judge Boyce	Objection is Sustained
3:04:41 PM	Ms. Blake	CDX of SW#55
3:16:37 PM	Ms. Blake	No further questions of this witness
3:16:43 PM	Mr. Thomas	We are asking to break to
3:17:14 PM	Ms. Blake	Requests sidebar
3:17:21 PM		SIDEBAR - Simulcast Off
3:21:30 PM		Simulcast On
3:21:34 PM	Judge Boyce	Back on the record. The defense intends to introduce some exhibits that will take some time to gather and there may be a motion heard on them outside the presence of the jury in the

		morning. We will conclude the testimony for the day. Admonishes the jurors
3:23:19 PM		Jurors Exit
3:23:56 PM		END OF CASE
3:23:56 PM		

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