

Description	Judge Boyce * S. Holstine * Christine Smith * 05/05/23 * Fremont Co. Case		
Date	5/5/2023	Location	1A-CRT400
Time	Speaker	Note	
8:31:15 AM		CR22-21-1624 St v Lori Vallow Jury Trial - Day 18	
8:31:19 AM	State Attys	Lindsey Blake - Robert Wood - Rachel Smith for the State	
8:31:22 AM	Def Attys	Jim Archibald - John Thomas for the Defense	
8:31:25 AM	Defendant	Is present in custody	
8:31:36 AM		Simulcast On	
8:32:01 AM	Judge Boyce	Calls case. All parties present. The State is continuing to put on their case in chief.	
8:32:30 AM	Judge Boyce	Court has been advised that an amended exhibit has been prepared. The court and defense counsel have received a courtesy copy of that amended exhibit. Let's hear argument on that outside the presence of the jury	
8:33:29 AM	Ms. Smith	The amended exhibit has addressed the courts concerns - makes argument	
8:35:59 AM	Judge Boyce	Defense may argue	
8:36:05 AM	Mr. Thomas	Argument in opposition to amended exhibit - multiple pages with impermissible hearsay statements. Asks this be excluded	
8:37:24 AM	Judge Boyce	Comments and inquires of the State	
8:38:07 AM	Ms. Smith	We have placed 29C & 29D on thumb drives - the entirety of the lollytime and lori4styles emails	
8:39:25 AM	Judge Boyce	Makes ruling - the exhibit would be admissible if the witness lays the foundation. The objection is overruled. This is a provisional ruling based on foundation being laid	
8:41:41 AM	Mr. Thomas	May I be heard on a motion to reconsider	
8:41:45 AM	Judge Boyce	Go ahead	
8:41:48 AM	Mr. Thomas	Makes argument. State can cure by pulling out the hearsay	
8:42:51 AM	Judge Boyce	Any response	
8:42:52 AM	Ms. Smith	Responds - not offered for the truth of the matter, other than the defendant. Further argument	
8:44:18 AM	Judge Boyce	I have considered the request to reconsider - makes ruling - I won't modify my prior ruling	

8:45:36 AM	Judge Boyce	Issue if the witness has violated the exclusionary rule, shall we take that up first
8:46:07 AM	Mr. Archibald	We do intend to argue that
8:46:12 AM	Judge Boyce	Let's conduct that voir dire outside the presence of the jurors. Call the witness and we'll go through the exclusionary rule
8:46:48 AM	Mr. Thomas	May I get a ruling that I don't have to make specific hearsay objections to pages 2, 5, 7, 15, 43, 46, 72, 73, 75, 80, 81, 82, 83, 84. I don't want to bring it to the attention of the jurors
8:47:19 AM	Judge Boyce	Yes, the defense has made objections to those pages on the record on hearsay grounds and they are not required to raise the issue again before the jurors.
8:48:11 AM	Ms. Smith	May we get that list of page numbers
8:48:27 AM	Judge Boyce	The hearsay pages are: 2, 5, 7, 15, 43, 46, 72, 73, 75, 80, 81, 82, 83, 84
8:49:07 AM	Judge Boyce	The State may call their next witness
8:49:12 AM	Ms. Smith	CALLS STATE'S WITNESS #60 - Chief Deputy Douglas Hart/Sworn
8:49:54 AM	Ms. Smith	Does the court want the State to question him first
8:50:28 AM		SIDEBAR - Simulcast Off
8:51:12 AM		Simulcast On
8:51:16 AM	Judge Boyce	Back on the record. Witness has been placed under oath. Issue has been raised as to whether this witness violated the exclusionary rule. The State may begin questioning first
8:52:20 AM	Ms. Smith	Inquires of SW#60
8:54:23 AM	Judge Boyce	Defense may inquire
8:54:30 AM	Mr. Archibald	Inquires of SW#60
8:56:00 AM	Ms. Smith	Objection - Relevance
8:56:09 AM	Mr. Archibald	I'll rephrase that
8:56:12 AM	Judge Boyce	Go ahead
8:56:14 AM	Mr. Archibald	Continues inquiry of SW#60
8:56:16 AM	Ms. Smith	Objection - Relevance
8:56:21 AM	Judge Boyce	It's not relevant if they're not testifying
8:56:27 AM	Mr. Archibald	Continues inquiry of SW#60
8:56:43 AM	Ms. Smith	Objection - Relevance

8:56:45 AM	Judge Boyce	It needs to be more narrow than that – relating to trial testimony
8:56:52 AM	Mr. Archibald	Continues inquiry of SW#60
8:57:40 AM	Mr. Archibald	No further questions
8:57:41 AM	Judge Boyce	I do not find any rational behind the objection under the exclusionary rule. I don't find there has been any violation. Bring the jury in and the State may commence with their direct examination
8:58:30 AM	Ms. Smith	Comments to the court
9:00:34 AM		The jury is present
9:00:35 AM	Judge Boyce	Back on the record. The jury is present and have signed their juror affirmation forms. We will end around noon today. The State has called their next witness who has been sworn and is on the witness stand. The State may continue with their examination
9:01:57 AM	Ms. Smith	Direct Examination of SW#60 - Douglas Hart
9:04:03 AM	Mr. Thomas	Objection - Irrelevant
9:04:10 AM	Ms. Smith	Argument
9:04:27 AM	Judge Boyce	Comments and Objection is Overruled
9:04:43 AM	Ms. Smith	CDX of SW#60
9:13:34 AM	Ms. Smith	We ask permission to display 29C & 29D. Comments to the court
9:15:49 AM	Judge Boyce	They are separate exhibits. We should have them admitted
9:16:02 AM	Ms. Smith	State's Exhibits #29C & 29D previously marked are handed to the witness for identification
9:16:56 AM	Ms. Smith	CDX of SW#60
9:18:10 AM	Ms. Smith	Moves to admit SE #29C & 29D
9:18:12 AM	Mr. Thomas	Objects
9:18:25 AM	Ms. Smith	Responsive argument
9:19:21 AM	Judge Boyce	Inquires of the State
9:19:29 AM	Ms. Smith	Responds
9:20:58 AM	Judge Boyce	Makes ruling - Objection is Overruled
9:22:20 AM	Judge Boyce	STATE'S EXHIBIT #29C & 29D IS ADMITTED
9:22:30 AM	Mr. Thomas	Asks to have copies provided to us of 29C & 29D
9:22:58 AM	Judge Boyce	Please provide those to the defense
9:23:05 AM	Ms. Smith	Can we show them where to find them
9:23:20 AM	Mr. Thomas	I would ask the court to make us copies

9:23:39 AM	Judge Boyce	The court does not create exhibits. The State shall make copies
9:24:04 AM	Ms. Smith	The jump drive contains a single record
9:24:26 AM	Judge Boyce	They are admitted and the defense is entitled to an electronic copy of those exhibits. The State may continue with their examination
9:24:53 AM	Ms. Smith	Mr. Wood will be helping me with showing SE#29C & 29D so he will be near the podium with me
9:25:18 AM	Ms. Smith	CDX of SW#60
9:34:35 AM	Mr. Thomas	Objection - Argumentative
9:34:38 AM	Judge Boyce	Objection is Sustained
9:34:40 AM	Ms. Smith	CDX of SW#60
9:38:02 AM	Mr. Thomas	Objection - Narrative
9:38:04 AM	Judge Boyce	Objection is Sustained
9:38:06 AM	Ms. Smith	CDX of SW#60
9:44:22 AM	Ms. Smith	State's Exhibits #170D, C E & H previously admitted are handed to the witness for identification
9:45:19 AM	Ms. Smith	CDX of SW#60
9:46:08 AM	Ms. Smith	Moves to publish portions of SE #170A-WWW
9:46:20 AM	Mr. Thomas	No objection
9:46:23 AM	Judge Boyce	You may publish SE #170A-WWW
9:46:25 AM		SE #170A-WWW ARE PUBLISHED
9:46:34 AM	Ms. Smith	CDX of SW#60
10:02:15 AM	Ms. Smith	Addresses the court
10:02:31 AM	Judge Boyce	We will take our mid-morning break and restart at 10:30
10:02:46 AM		Jurors Exit
10:03:30 AM		COURT RECESSES - Simulcast Off
10:32:25 AM		COURT RESUMES. Jury is not present
10:32:27 AM		Simulcast On
10:32:30 AM	Judge Boyce	Bring the jury in please
10:34:05 AM	Ms. Smith	May we have a sidebar
10:34:16 AM	Judge Boyce	Yes
10:34:18 AM		The jury is present
10:34:39 AM	Judge Boyce	Do you still need a sidebar

10:34:54 AM	Ms. Smith	Makes record that defense counsel has been given a copy of SE#29C & 29D
10:35:18 AM	Mr. Thomas	That's correct
10:35:33 AM	Judge Boyce	The State may inquire
10:35:35 AM	Ms. Smith	CDX of SW#60 - Douglas Hart
10:42:43 AM	Judge Boyce	I want to clarify you may be showing SE# 29C
10:42:53 AM	Mr. Thomas	Let's be clear which exhibit it is
10:42:58 AM	Ms. Smith	This is Lori4style@icloud.com - SE#29C
10:43:15 AM	Ms. Smith	CDX of SW#60
10:47:52 AM	Mr. Thomas	Objection - Argumentative
10:47:53 AM	Judge Boyce	Objection is Sustained
10:47:56 AM	Ms. Smith	CDX of SW#60
10:48:15 AM	Mr. Thomas	Objection - Argumentative
10:48:17 AM	Ms. Smith	Argument
10:48:24 AM	Judge Boyce	Objection is Overruled
10:48:27 AM	Ms. Smith	CDX of SW#60
10:49:26 AM	Mr. Thomas	Objection - Argumentative
10:49:28 AM	Judge Boyce	Objection is Overruled
10:49:29 AM	Ms. Smith	CDX of SW#60
10:49:47 AM	Mr. Thomas	Objection - Misstates
10:49:54 AM	Ms. Smith	I'm laying a foundation for summary
10:50:01 AM	Judge Boyce	Without that being entered at this time the objection is sustained
10:50:09 AM	Ms. Smith	CDX of SW#60
10:52:50 AM	Mr. Thomas	Objection - Argumentative
10:52:57 AM	Judge Boyce	Objection is Overruled
10:52:58 AM	Judge Boyce	CDX of SW#60
10:57:29 AM	Ms. Smith	State's Exhibit #183 & 183A previously marked is handed to the witness for identification
10:58:24 AM	Ms. Smith	CDX of SW#60
10:59:10 AM	Ms. Smith	Moves to admit SE #183 & 183A
10:59:12 AM	Mr. Thomas	Objects to exhibit

10:59:24 AM	Judge Boyce	Objection is Overruled. STATE'S EXHIBITS #183 (Thumb Drive) & 183A (Powerpoint Printout) ARE ADMITTED
10:59:55 AM	Ms. Smith	Moves to publish SE #183
10:59:56 AM	Judge Boyce	You may publish SE #183
10:59:57 AM		SE #183 IS PUBLISHED
10:59:59 AM	Ms. Smith	CDX of SW#60
11:01:18 AM	Mr. Thomas	Objection - Narrative
11:01:19 AM	Judge Boyce	Objection is Sustained
11:01:22 AM	Ms. Smith	CDX of SW#60
11:07:45 AM	Mr. Thomas	Objection - Speculation
11:07:47 AM	Judge Boyce	Objection is Overruled
11:07:53 AM	Ms. Smith	CDX of SW#60
11:12:43 AM	Mr. Thomas	Objection - Misstating the evidence
11:12:48 AM	Judge Boyce	Objection is Sustained - beyond the scope
11:12:52 AM	Ms. Smith	CDX of SW#60
11:16:10 AM	Mr. Thomas	Objection - Hearsay
11:16:13 AM	Judge Boyce	Objection is Sustained
11:16:16 AM	Ms. Smith	I don't understand the objection
11:16:19 AM	Mr. Thomas	Shall I clarify
11:16:24 AM	Ms. Smith	Asks for a sidebar
11:16:29 AM	Judge Boyce	I'd like to have the question reread. Court Reporter reads the previous question
11:16:48 AM	Judge Boyce	Upon rehearing that, I misheard. Objection is Overruled
11:16:54 AM	Ms. Smith	CDX of SW#60
11:17:36 AM	Mr. Thomas	Objection - Hearsay
11:17:43 AM	Judge Boyce	Objection is Overruled
11:17:51 AM	Ms. Smith	CDX of SW#60
11:18:45 AM	Mr. Thomas	Objection - Speculation
11:18:52 AM	Judge Boyce	Objection is Sustained. Answer will be stricken from the record and is not to be considered by the jury
11:19:05 AM	Ms. Smith	CDX of SW#60
11:19:29 AM	Mr. Thomas	Objection - Argumentative

11:19:32 AM	Judge Boyce	Objection is Overruled
11:19:33 AM	Ms. Smith	CDX of SW#60
11:21:28 AM	Mr. Thomas	Objection - Takes things out of context
11:21:40 AM	Judge Boyce	Objection is Overruled
11:21:46 AM	Ms. Smith	CDX of SW#60
11:23:37 AM	Mr. Thomas	Objection - Speculation
11:23:45 AM	Judge Boyce	Objection is Sustained
11:23:49 AM	Ms. Smith	CDX of SW#60
11:24:03 AM	Mr. Thomas	Objection - Speculation
11:24:06 AM	Judge Boyce	You need additional foundation
11:24:13 AM	Ms. Smith	CDX of SW#60
11:24:33 AM	Mr. Thomas	Objection - vague
11:24:37 AM	Judge Boyce	Objection is Overruled
11:24:38 AM	Ms. Smith	CDX of SW#60
11:24:50 AM	Mr. Thomas	Objection - Speculative
11:24:52 AM	Judge Boyce	Objection is Overruled
11:24:53 AM	Ms. Smith	CDX of SW#60
11:25:30 AM	Mr. Thomas	Objection - Relevance
11:25:40 AM	Judge Boyce	I'll allow it but it's close to being outside the scope of relevance
11:25:55 AM	Ms. Smith	CDX of SW#60
11:26:16 AM	Mr. Thomas	Objection - Vague
11:26:19 AM	Judge Boyce	Objection is Overruled
11:26:21 AM	Ms. Smith	CDX of SW#60
11:33:09 AM	Mr. Thomas	Objection - Speculation
11:33:11 AM	Judge Boyce	Objection is Sustained - The answer will be stricken and is not to be considered by the jury
11:33:23 AM	Ms. Smith	CDX of SW#60
11:33:50 AM	Mr. Thomas	Objection - Hearsay
11:33:52 AM	Judge Boyce	Objection is Overruled
11:33:53 AM	Ms. Smith	CDX of SW#60
11:38:25 AM	Mr. Thomas	Objection - Speculation - Asks it be stricken

11:38:28 AM	Judge Boyce	Objection is Sustained
11:38:31 AM	Ms. Smith	CDX of SW#60
11:38:54 AM	Mr. Thomas	Objection - Hearsay
11:38:58 AM	Judge Boyce	The State's argument
11:39:03 AM	Ms. Smith	Argument
11:40:02 AM	Mr. Thomas	Responds
11:40:14 AM	Ms. Smith	Further Argument
11:40:15 AM	Judge Boyce	Objection is Sustained
11:40:18 AM	Ms. Smith	CDX of SW#60
11:42:20 AM	Mr. Thomas	Objection -
11:42:21 AM	Judge Boyce	Objection is Sustained
11:42:22 AM	Ms. Smith	CDX of SW#60
11:43:23 AM	Mr. Thomas	Objection – Conclusion best made by the jury
11:43:29 AM	Judge Boyce	Objection is Overruled - Untimely
11:43:32 AM	Ms. Smith	CDX of SW#60
11:47:48 AM	Mr. Thomas	Objection - misstates the actual text
11:47:51 AM	Judge Boyce	It was misread
11:47:55 AM	Ms. Smith	CDX of SW#60
11:54:30 AM	Mr. Thomas	Objection - Relevance
11:54:33 AM	Ms. Smith	Argument
11:54:40 AM	Mr. Thomas	Move to strike
11:54:44 AM	Judge Boyce	No speaking objections or responses. Objection is Overruled
11:54:54 AM	Ms. Smith	CDX of SW#60
11:55:20 AM	Mr. Thomas	Objection -
11:55:21 AM	Judge Boyce	Objection is Overruled
11:55:23 AM	Ms. Smith	CDX of SW#60
11:55:32 AM	Ms. Smith	I am transitioning to another section. Do you wish to end now for the day
11:55:42 AM	Judge Boyce	That appears appropriate. Admonishes the jurors for weekend recess
11:56:46 AM		Jurors Exit
11:57:29 AM		END OF CASE