

Description	Judge Boyce * S. Holstine * Patricia Bath * 05/08/23 * Fremont Co. Case	
Date	5/8/2023	Location 1A-CRT400
Time	Speaker	Note
8:33:29 AM		CR22-21-1624 St v Lori Vallow Jury Trial - Day 19
8:33:29 AM	State Attys	Lindsey Blake - Robert Wood - Rachel Smith for the State
8:33:29 AM	Def Attys	Jim Archibald - John Thomas for the Defense
8:33:29 AM	Defendant	Is present in custody
8:33:29 AM		Simulcast On
8:33:29 AM	Judge Boyce	Calls case. All counsel and parties are present. The jury is not present. I understand there may be a motion to be heard
8:33:29 AM	Ms. Blake	We submitted summary exhibits to the defense and understand they will be objecting to them
8:33:29 AM	Judge Boyce	Inquires of when the exhibits will come in
8:33:29 AM	Ms. Blake	Comments and explanation of summary exhibits
8:33:29 AM	Judge Boyce	Let's hear that this morning. Inquires of the defense
8:33:29 AM	Mr. Archibald	I will argue and have reviewed the exhibits
8:33:29 AM	Mr. Archibald	Makes argument
8:39:21 AM	Judge Boyce	I will hear a response. I have reviewed the exhibits and do have some concerns. Comments about those concerns
8:42:43 AM	Ms. Blake	Makes argument on summary exhibits
8:48:28 AM	Judge Boyce	Inquires of the State
8:48:44 AM	Ms. Blake	Responds
8:49:26 AM	Judge Boyce	Inquires further
8:49:54 AM	Ms. Blake	Responds
8:51:09 AM	Judge Boyce	Comments. The defense may reply
8:51:35 AM	Mr. Archibald	Argument
8:53:32 AM	Ms. Blake	Response
8:54:18 AM	Judge Boyce	I will take this under advisement and will review the exhibits in more detail. I will make a ruling outside the presence of the jury
8:55:36 AM		Bring the jury in please
8:59:07 AM		The jury is present

8:59:15 AM	Judge Boyce	Back on the record. Counsel and all parties are present. The jurors are all present and have signed their juror affirmation forms. The State is still in their case in chief and may continue with their direct examination of their witness who is on the stand and remains under oath.
9:00:37 AM	Ms. Smith	Continues Direct Examination of SW#60 - Former FBI Special Agent Douglas Hart
9:03:29 AM	Mr. Thomas	Objection - calls for legal conclusion
9:03:33 AM	Ms. Smith	My questions was cut off
9:03:37 AM	Mr. Thomas	Continues objection
9:03:41 AM	Judge Boyce	Objection is Overruled
9:03:45 AM	Ms. Smith	CDX of SW#60
9:10:11 AM	Mr. Thomas	Objection - Misstates the evidence
9:10:15 AM	Judge Boyce	Objection is Sustained
9:10:17 AM	Ms. Smith	CDX of SW#60
9:15:53 AM	Mr. Thomas	Objection - Speculation
9:15:58 AM	Judge Boyce	Objection is Sustained
9:16:04 AM	Ms. Smith	CDX of SW#60
9:22:38 AM	Mr. Thomas	Objection - Speculation
9:22:40 AM	Judge Boyce	Objection is Overruled
9:22:42 AM	Ms. Smith	CDX of SW#60
9:32:35 AM	Mr. Thomas	Objection - Narrative
9:32:37 AM	Ms. Smith	Argument
9:32:39 AM	Mr. Thomas	Completes objection
9:32:42 AM	Judge Boyce	Objection is Sustained
9:32:56 AM	Ms. Smith	May I approach the bench
9:32:59 AM		SIDEBAR - Simulcast Off
9:35:22 AM		Simulcast On
9:35:24 AM	Judge Boyce	The State may continue
9:35:37 AM	Ms. Smith	CDX of SW#60
9:43:23 AM	Mr. Thomas	Objection - Speculation. Move to strike
9:43:30 AM	Judge Boyce	Question in aid of objection
9:43:31 AM	Ms. Smith	CDX of SW#60

9:59:43 AM	Mr. Thomas	Objection - Speculation
9:59:44 AM	Judge Boyce	Objection is Sustained
9:59:49 AM	Ms. Smith	CDX of SW#60
10:00:16 AM	Mr. Thomas	Objection - Misstates the testimony
10:00:23 AM	Judge Boyce	Objection is Overruled
10:00:26 AM	Ms. Smith	CDX of SW#60
10:02:27 AM	Judge Boyce	Inquires of the State if redactions have been made to the exhibit as discussed
10:02:41 AM	Ms. Smith	It did not get redacted
10:02:53 AM	Judge Boyce	Make sure it does not get published
10:03:00 AM	Ms. Smith	CDX of SW#60
10:07:16 AM	Mr. Thomas	Objection - Speculation
10:07:18 AM	Judge Boyce	Objection is Sustained
10:07:19 AM	Ms. Smith	CDX of SW#60
10:11:53 AM	Ms. Smith	Transitioning - shall we break not or should I continue
10:12:01 AM	Judge Boyce	We will take out morning recess until 10:45
10:12:14 AM		Jurors Exit
10:12:17 AM		COURT RECESSES - Simulcast Off
10:42:56 AM	Judge Boyce	Bring the jury in please
10:43:30 AM		Simulcast On
10:45:17 AM		The jury is present
10:45:19 AM	Judge Boyce	Back on the record. Counsel and all parties are present. The State may continue with your direct examination
10:45:50 AM	Ms. Smith	Continues Direct Examination of SW#60
10:51:58 AM	Mr. Thomas	Objection - Speculation
10:52:00 AM	Judge Boyce	Objection is Sustained
10:52:02 AM	Ms. Smith	CDX of SW#60
10:53:53 AM	Mr. Thomas	Objection - Asked and Answered
10:54:02 AM	Judge Boyce	Objection is Overruled
10:54:04 AM	Ms. Smith	CDX of SW#60
10:56:27 AM	Mr. Thomas	Objection - Speculation
10:56:29 AM	Judge Boyce	I don't see any foundation for an answer

10:56:33 AM	Ms. Smith	CDX of SW#60
11:06:22 AM	Mr. Thomas	Objection - Speculation
11:06:25 AM	Judge Boyce	Objection is Overruled
11:06:28 AM	Ms. Smith	CDX of SW#60
11:10:37 AM	Mr. Thomas	Objection - Speculation
11:10:39 AM	Judge Boyce	Objection is Sustained
11:10:41 AM	Ms. Smith	CDX of SW#60
11:19:21 AM	Mr. Thomas	Objection - no questions before the witness
11:19:26 AM	Ms. Smith	CDX of SW#60
11:19:28 AM	Mr. Thomas	I'd like a ruling on my objection
11:19:28 AM	Judge Boyce	Counsel just asked a new question so it is resolved
11:19:39 AM	Ms. Smith	CDX of SW#60
11:21:21 AM	Mr. Thomas	Objection - slides speak for themselves
11:21:24 AM	Judge Boyce	Objection is Sustained
11:21:27 AM	Ms. Smith	I'd like a ruling on my objection
11:21:49 AM	Mr. Thomas	Objection -
11:21:55 AM	Judge Boyce	Objection is Overruled
11:21:56 AM	Ms. Smith	I'd like a ruling on my objection
11:22:33 AM	Mr. Thomas	Objection - Asked and Answered
11:22:36 AM	Judge Boyce	Objection is Overruled
11:22:38 AM	Ms. Smith	CDX of SW#60
11:22:54 AM	Mr. Thomas	Objection - Asked and Answered
11:22:58 AM	Judge Boyce	That's been asked and answered
11:22:59 AM	Ms. Smith	CDX of SW#60
11:23:23 AM	Mr. Thomas	Objection - the texts speak for themselves
11:23:27 AM	Judge Boyce	Objection is Overruled
11:23:30 AM	Ms. Smith	CDX of SW#60
11:24:00 AM	Mr. Thomas	Objection - Asked and Answered
11:24:02 AM	Judge Boyce	Objection is Sustained
11:24:04 AM	Ms. Smith	CDX of SW#60
11:24:06 AM	Mr. Thomas	Objection - Asked and Answered

11:24:07 AM	Judge Boyce	Objection is Sustained
11:24:09 AM	Ms. Smith	CDX of SW#60
11:24:44 AM	Mr. Thomas	Objection - Speculation
11:24:47 AM	Judge Boyce	Objection is Sustained
11:24:48 AM	Ms. Smith	CDX of SW#60
11:25:01 AM	Mr. Thomas	Objection - Vague
11:25:03 AM	Judge Boyce	Objection is Overruled
11:25:05 AM	Ms. Smith	CDX of SW#60
11:35:51 AM	Mr. Thomas	Objection - Foundation
11:35:55 AM	Judge Boyce	Objection is Sustained
11:35:57 AM	Ms. Smith	CDX of SW#60
11:47:29 AM	Judge Boyce	We will excuse the jurors and then I will address the parties
11:48:10 AM		Jurors Exit
11:48:32 AM	Ms. Smith	Do you want the witness excused
11:48:43 AM	Judge Boyce	No, that's fine. I will make a ruling on the proposed upcoming exhibits at the end of the lunch hour prior to the jurors being brought back in. Let's return at 12:45
11:49:10 AM		COURT RECESSES - Simulcast Off
12:54:38 PM		COURT RESUMES. Jury is not present
12:54:51 PM		Simulcast On
12:54:56 PM	Judge Boyce	Back on the record. Counsel and all parties are present. The jurors are not present.
12:55:33 PM	Judge Boyce	At issue are 3 proposed exhibits from the State that don't have numbers yet. I will refer to them as the Nick Edwards PP, the James & Elena PP and the Vallow Timeline.
12:56:43 PM	Ms. Blake	Can I make a clarification to the Nick Edwards PP
12:56:51 PM	Judge Boyce	Yes
12:56:53 PM	Ms. Blake	For clarification, there were approximately 26 police reports drafted or created by him
12:57:06 PM	Judge Boyce	Makes rulings: The Edwards PP will not be permitted. James & Elena PP - Slides at the beginning: I will allow the story to be admitted but will not allow the entire story to be read into the record. Slides at the end: I will not allow the PP to be an exhibit, but the story can be admitted if there is foundation laid. Vallow Timeline: if the highlights and editorial statements are removed,

		then I don't see why it isn't admissible if there is foundation laid. Any questions
1:12:13 PM	Mr. Archibald	No, Your Honor
1:12:17 PM	Ms. Blake	Asks for clarification
1:12:34 PM	Judge Boyce	Print out the J&E PP and take off the last slides
1:12:46 PM	Ms. Blake	Further clarification
1:13:12 PM	Judge Boyce	This was not an inclusive list. Further comments on ruling. I can take up further exhibits on an ad hoc basis if they're proffered by the State
1:14:10 PM	Ms. Blake	Comments
1:14:25 PM	Judge Boyce	Bring the jury in please
1:17:17 PM		The jury is present
1:17:20 PM	Judge Boyce	Back on the record. We took up some matters outside the presence of the jury. The State may continue with their direct examination. The witness remains under oath
1:19:03 PM	Ms. Smith	Continues Direct Examination of SW#60
1:40:58 PM	Mr. Thomas	Objection -
1:41:00 PM	Judge Boyce	Objection is Sustained
1:41:02 PM	Ms. Smith	CDX of SW#60
1:41:36 PM	Mr. Thomas	Objection -
1:41:39 PM	Judge Boyce	Objection is Overruled
1:41:42 PM	Ms. Smith	CDX of SW#60
1:59:41 PM	Ms. Smith	Asks State's Exhibit #50a previously marked be handed to the witness for identification
1:59:43 PM	Judge Boyce	Has this been admitted
1:59:44 PM	Ms. Smith	It should have been admitted as part of SE#29 but we pulled this out and gave it its own number: 50A
1:59:44 PM	Mr. Thomas	Objection - Cumulative
1:59:51 PM	Ms. Smith	Argument. The recording was played for the jury. the written copy found in the icloud has not been provided
2:00:02 PM	Judge Boyce	Objection is overruled. STATE'S EXHIBIT #50A IS ADMITTED
2:00:05 PM	Ms. Smith	CDX of SW#60
2:01:32 PM	Mr. Thomas	Objection - Foundation

2:01:38 PM	Judge Boyce	Objection is Sustained
2:01:40 PM	Ms. Smith	CDX of SW#60
2:01:48 PM	Mr. Thomas	Objection - Foundation
2:01:51 PM	Judge Boyce	He needs to explain the foundation
2:01:56 PM	Ms. Smith	CDX of SW#60
2:02:25 PM	Mr. Thomas	Objection - Foundation
2:02:32 PM	Judge Boyce	Objection is Overruled
2:02:34 PM	Ms. Smith	CDX of SW#60
2:05:09 PM	Mr. Thomas	Objection -
2:05:12 PM	Judge Boyce	Objection is Overruled
2:05:15 PM	Ms. Smith	CDX of SW#60
2:06:39 PM	Mr. Thomas	Objection - this is 404(b)
2:06:48 PM	Judge Boyce	Inquires of the defense
2:07:02 PM	Mr. Thomas	Argues objection
2:07:18 PM	Ms. Smith	Responsive argument
2:07:48 PM	Judge Boyce	Requests sidebar
2:07:55 PM		SIDEBAR - Simulcast Off
2:17:12 PM		Simulcast On
2:17:17 PM	Judge Boyce	After the sidebar, I will overrule the objection. The witness may answer the question. Has court reporter read the question into the record
2:18:32 PM	Ms. Smith	CDX of SW#60
2:18:47 PM	Judge Boyce	Let's take our afternoon recess at this time
2:19:07 PM		Jurors Exit
2:19:27 PM		COURT RECESSES - Simulcast Off
2:47:44 PM		COURT RESUMES. Jury is not present
2:47:50 PM		Simulcast On
2:47:56 PM	Judge Boyce	Bring the jury in please
2:50:38 PM		The jury is present
2:50:40 PM	Judge Boyce	Back on the record. Counsel and all parties are present. The State may continue their direct examination
2:51:05 PM	Ms. Smith	Continues Direct Examination of SW#60

2:53:32 PM	Ms. Smith	No further questions of this witness
2:53:38 PM	Judge Boyce	Counsel may cross
2:53:40 PM	Mr. Thomas	Cross Examination of SW#60
2:55:30 PM	Ms. Smith	Objection -
2:55:34 PM	Judge Boyce	Objection is Overruled
2:55:39 PM	Mr. Thomas	CCX of SW#60
2:56:16 PM	Ms. Smith	Objection -
2:56:21 PM	Judge Boyce	Objection is Overruled
2:56:23 PM	Mr. Thomas	CCX of SW#60
2:56:31 PM	Mr. Thomas	Asks answer be stricken
2:56:32 PM	Judge Boyce	That's Overruled. It's the answer he gave
2:56:35 PM	Mr. Thomas	CCX of SW#60
3:02:39 PM	Ms. Smith	Objection - facts not in evidence
3:02:42 PM	Judge Boyce	Objection is Overruled
3:02:46 PM	Mr. Thomas	CCX of SW#60
3:03:33 PM	Ms. Smith	Objection - Speculation
3:03:36 PM	Judge Boyce	Objection is Sustained
3:03:39 PM	Mr. Thomas	CCX of SW#60
3:04:42 PM	Ms. Smith	Objection - Speculation & Relevance
3:04:47 PM	Judge Boyce	Relevance objection is overruled. I'll allow you some latitude
3:05:04 PM	Mr. Thomas	CCX of SW#60
3:05:49 PM	Ms. Smith	Objection - Speculation
3:05:51 PM	Judge Boyce	Objection is Sustained
3:05:53 PM	Mr. Thomas	CCX of SW#60
3:07:28 PM	Ms. Smith	Objection - Assumes facts not in evidence & relevance
3:07:33 PM	Mr. Thomas	Argues against objection
3:07:44 PM	Judge Boyce	I'll allow that for that purpose
3:07:49 PM	Mr. Thomas	CCX of SW#60
3:09:12 PM	Ms. Smith	Objection - Vague
3:09:18 PM	Mr. Thomas	Comment
3:09:21 PM	Ms. Smith	Argument

3:09:26 PM	Judge Boyce	It is a compound question. Please clarify
3:09:39 PM	Mr. Thomas	CCX of SW#60
3:10:00 PM	Ms. Smith	Which email address
3:10:11 PM	Mr. Thomas	Comments and CCX of SW#60
3:19:32 PM	Mr. Thomas	No further questions of this witness
3:19:37 PM	Judge Boyce	Any redirect
3:19:39 PM	Ms. Smith	RDX of SW#60
3:21:13 PM	Ms. Smith	No further questions of this witness
3:21:16 PM	Judge Boyce	I suggest we break for the day
3:21:29 PM	Ms. Smith	Asks the witness be excused
3:21:35 PM	Mr. Thomas	No objection
3:21:37 PM	Judge Boyce	Witness may step down and be excused
3:22:05 PM	Judge Boyce	We will recess until tomorrow morning. Admonishes the jurors
3:22:43 PM		Jurors Exit
3:23:13 PM	Ms. Smith	We have housekeeping matter to discuss with opposing counsel and the court. It doesn't need to be on the record
3:23:27 PM	Judge Boyce	I'll meet the parties in chambers
3:23:29 PM		END OF CASE
3:23:29 PM		