

<b>Description</b>	Boyce/ J. Hoskins/ P. Bath/ **Fremont County Case**		
<b>Date</b>	5/10/2023	<b>Location</b>	1A-CRT400
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
<a href="#">8:06:05 AM</a>		<b>State vs Lori Vallow CR22-21-1624 Jury Trial Day 21</b>	
<a href="#">1:14:51 PM</a>	State's Attys	Lindsey Blake - Robert Wood - Rachel Smith- Tawnya Rawlings for the State	
<a href="#">1:14:53 PM</a>	Defense Attys	Jim Archibald - John Thomas for the Defense	
<a href="#">1:14:56 PM</a>	Defendant	Present in custody	
<a href="#">1:15:13 PM</a>		Simulcast On	
<a href="#">1:15:26 PM</a>	Judge Boyce	Calls case	
<a href="#">1:15:35 PM</a>		Back on the record. All parties are present. Earlier today we had an informal jury instruction conference. Now going on the record for argument on the final jury instructions. Jury is not present. Conduct orders are still in place.	
<a href="#">1:16:29 PM</a>		We did redraft and send out the most updated instructions to counsel over the lunch break	
<a href="#">1:16:43 PM</a>		Did the state receive them?	
<a href="#">1:16:48 PM</a>	Ms. Blake	Yes	
<a href="#">1:16:50 PM</a>	Judge Boyce	Defense?	
<a href="#">1:16:52 PM</a>	Mr. Archibald	Yes	
<a href="#">1:17:14 PM</a>	Judge Boyce	Instructions 1-10 have previously been read and will be given to the jury. Some will be given again, along with the other instructions.	
<a href="#">1:17:53 PM</a>	Judge Boyce	#11	
<a href="#">1:18:01 PM</a>	Ms. Blake	No objection	
<a href="#">1:18:05 PM</a>	Mr. Archibald	No objection	
<a href="#">1:18:11 PM</a>	Judge Boyce	#11 will be given	
<a href="#">1:18:14 PM</a>	Judge Boyce	#12	
<a href="#">1:18:17 PM</a>	Ms. Blake	No objection	
<a href="#">1:18:19 PM</a>	Mr. Archibald	Objection- Language needed to be changed	
<a href="#">1:18:49 PM</a>	Judge Boyce	Considered that request. Court does have an instruction #15 that will address that. Will overrule	

<a href="#">1:19:07 PM</a>	Judge Boyce	#12 will be given
<a href="#">1:19:14 PM</a>	Judge Boyce	#13
<a href="#">1:19:18 PM</a>	Ms. Blake	One change to the last sentence- change "any" or "all"
<a href="#">1:19:36 PM</a>	Mr. Archibald	Response - makes sense
<a href="#">1:19:47 PM</a>	Judge Boyce	Will amend to conform with multiple charges
<a href="#">1:20:10 PM</a>	Judge Boyce	#14
<a href="#">1:20:12 PM</a>	Ms. Blake	No objection
<a href="#">1:20:17 PM</a>	Mr. Archibald	Purposed language to identify charges in AZ
<a href="#">1:20:57 PM</a>	Ms. Blake	Response
<a href="#">1:21:41 PM</a>	Judge Boyce	Did add a sentence to this instruction (limited purpose); Continuing objection will be overruled and #14 will be given
<a href="#">1:22:30 PM</a>		#15 - took out 3 of the listed exhibits that were listed summary, not demonstrative
<a href="#">1:22:51 PM</a>	Ms. Blake	No objection
<a href="#">1:22:56 PM</a>	Mr. Archibald	No objection
<a href="#">1:22:59 PM</a>	Judge Boyce	#15 will be given
<a href="#">1:23:03 PM</a>	Judge Boyce	#16
<a href="#">1:23:08 PM</a>	Ms. Blake	No objection
<a href="#">1:23:12 PM</a>	Mr. Archibald	Another instruction on aiding and abetting- ask the court to consider the other definition- lodge an objection
<a href="#">1:23:52 PM</a>	Ms. Blake	Response
<a href="#">1:24:25 PM</a>	Judge Boyce	Considered objection and will overrule. Instruction #16 will be given
<a href="#">1:24:53 PM</a>		#17
<a href="#">1:24:59 PM</a>	Ms. Blake	No objection
<a href="#">1:25:02 PM</a>	Mr. Archibald	No objection
<a href="#">1:25:05 PM</a>	Judge Boyce	#17 will be given
<a href="#">1:25:08 PM</a>		#18
<a href="#">1:25:13 PM</a>	Ms. Blake	No objection
<a href="#">1:25:19 PM</a>	Mr. Archibald	No objection
<a href="#">1:25:26 PM</a>	Judge Boyce	#19
<a href="#">1:25:33 PM</a>	Ms. Blake	No objection

<a href="#">1:25:37 PM</a>	Judge Boyce	Some revisions were made over the break
<a href="#">1:25:45 PM</a>	Mr. Archibald	As alleged in indictment - grand jury combined counts 1 and 3; jury in this case should consider those crimes separately; ask this be sent back to the grand jury - believe it does not accurately reflect how the defendant was indicted
<a href="#">1:27:25 PM</a>	Ms. Blake	Response
<a href="#">1:28:24 PM</a>	Judge Boyce	Some revisions were made over the break after the objection from defense; court went back to the language from the amended indictment- objection is overruled and #19 will be given
<a href="#">1:29:16 PM</a>		#20
<a href="#">1:29:18 PM</a>	Ms. Blake	No objection
<a href="#">1:29:21 PM</a>	Mr. Archibald	No objection
<a href="#">1:29:24 PM</a>	Judge Boyce	#20 will be given
<a href="#">1:29:26 PM</a>	Judge Boyce	#21
<a href="#">1:29:28 PM</a>	Ms. Blake	No objection
<a href="#">1:29:31 PM</a>	Mr. Archibald	No objection
<a href="#">1:29:35 PM</a>	Judge Boyce	#21 will be given
<a href="#">1:29:37 PM</a>	Judge Boyce	#22
<a href="#">1:29:40 PM</a>	Ms. Blake	No objection
<a href="#">1:29:43 PM</a>	Mr. Archibald	No objection
<a href="#">1:29:56 PM</a>		#22 will be given
<a href="#">1:29:58 PM</a>		#23
<a href="#">1:30:00 PM</a>	Ms. Blake	No objection
<a href="#">1:30:04 PM</a>	Mr. Archibald	No objection
<a href="#">1:30:16 PM</a>		#24
<a href="#">1:30:18 PM</a>	Ms. Blake	No objection
<a href="#">1:30:19 PM</a>	Mr. Archibald	No objection
<a href="#">1:30:25 PM</a>	Judge Boyce	#25 - modified after objections
<a href="#">1:30:37 PM</a>	Ms. Blake	No objection
<a href="#">1:30:39 PM</a>	Mr. Archibald	Stand by objection
<a href="#">1:31:21 PM</a>	Judge Boyce	Finds appropriate; objection overruled and #25 will be provided

<a href="#">1:31:33 PM</a>	Judge Boyce	#26
<a href="#">1:31:36 PM</a>	Ms. Blake	No objection
<a href="#">1:31:39 PM</a>	Mr. Archibald	No objection
<a href="#">1:31:43 PM</a>	Judge Boyce	#26 will be given
<a href="#">1:31:46 PM</a>	Judge Boyce	#27
<a href="#">1:31:48 PM</a>	Ms. Blake	No objection
<a href="#">1:31:51 PM</a>	Mr. Archibald	Objection
<a href="#">1:32:22 PM</a>	Ms. Blake	Response
<a href="#">1:32:59 PM</a>	Judge Boyce	Considered the objection; overruled; #27 will be given
<a href="#">1:33:18 PM</a>	Judge Boyce	#28
<a href="#">1:33:24 PM</a>	Ms. Blake	No objection
<a href="#">1:33:29 PM</a>	Mr. Archibald	Objection- language not mirroring the indictment
<a href="#">1:37:01 PM</a>	Judge Boyce	Have considered those objections, would like to hear from the state
<a href="#">1:37:13 PM</a>	Ms. Blake	Response
<a href="#">1:38:47 PM</a>	Judge Boyce	Discusses objection; would like to hear further argument
<a href="#">1:41:10 PM</a>	Mr. Archibald	Response as to paragraph 5
<a href="#">1:42:09 PM</a>	Ms. Blake	Further response
<a href="#">1:42:38 PM</a>	Judge Boyce	Will amend paragraph 5 and #28 will be given
<a href="#">1:43:09 PM</a>	Mr. Archibald	No further objections
<a href="#">1:43:14 PM</a>	Judge Boyce	#29
<a href="#">1:43:18 PM</a>	Ms. Blake	No objection
<a href="#">1:43:22 PM</a>	Mr. Archibald	No objection
<a href="#">1:44:06 PM</a>	Judge Boyce	#29 will be given
<a href="#">1:44:10 PM</a>	Judge Boyce	#30- tracks #28 so the court will amend paragraph 5
<a href="#">1:45:16 PM</a>	Ms. Blake	Same comments as jury instruction #28; stands by previous argument
<a href="#">1:45:31 PM</a>	Mr. Archibald	Incorporates same argument as #28
<a href="#">1:45:55 PM</a>	Judge Boyce	Same rationale as indicated in #28; objection overruled; #30 will be amended and given
<a href="#">1:46:25 PM</a>	Ms. Blake	Comments on #30
<a href="#">1:46:50 PM</a>	Judge Boyce	Will read crimes without the brackets on the end

<a href="#">1:47:06 PM</a>	Judge Boyce	#31
<a href="#">1:47:08 PM</a>	Ms. Blake	No objection
<a href="#">1:48:23 PM</a>	Mr. Archibald	Objection- way instruction reads is not how the grand jury indicted the defendant
<a href="#">1:51:26 PM</a>	Judge Boyce	Paraphrases def's objection; what is the state's response?
<a href="#">1:51:47 PM</a>	Ms. Blake	Response
<a href="#">1:53:22 PM</a>	Judge Boyce	Overrule that objection; 2nd part of objection- further concern that needs to be discussed (terms: counsel and procure); would like to hear a response from the state
<a href="#">1:54:23 PM</a>	Ms. Blake	Response
<a href="#">1:55:39 PM</a>	Mr. Archibald	No further argument
<a href="#">1:55:48 PM</a>	Judge Boyce	Will takes these arguments under advisement- will advise counsel and will determine if modification needs to be made as to paragraph #3 on #31.
<a href="#">1:56:28 PM</a>	Judge Boyce	Court may consider modifying paragraph #3 of #29 as well
<a href="#">1:56:50 PM</a>	Judge Boyce	#32
<a href="#">1:56:56 PM</a>	Ms. Blake	No objection
<a href="#">1:57:02 PM</a>	Judge Boyce	Paragraph #4- edit to take make the "crime" singular
<a href="#">1:57:49 PM</a>	Mr. Archibald	Previously objected- argues
<a href="#">1:59:54 PM</a>	Ms. Blake	Response
<a href="#">2:01:23 PM</a>	Judge Boyce	Considered objections; Objection is Overruled; Paragraph #4 will be modified; Paragraph #6b will be modified to take out the roman numeral; objections overruled and #32 will be given as modified
<a href="#">2:02:36 PM</a>	Judge Boyce	#33
<a href="#">2:02:41 PM</a>	Ms. Blake	No objection
<a href="#">2:02:45 PM</a>	Mr. Archibald	Previously objected- argues
<a href="#">2:03:58 PM</a>	Ms. Blake	Response
<a href="#">2:05:24 PM</a>	Judge Boyce	Considered argument; Objection is Overruled; #33 will be given
<a href="#">2:08:04 PM</a>		#34
<a href="#">2:08:09 PM</a>	Ms. Blake	No objection
<a href="#">2:09:09 PM</a>	Mr. Archibald	Objection- does not contain the same language as the indictment as to grand theft

<a href="#">2:09:36 PM</a>	Ms. Blake	Response
<a href="#">2:10:30 PM</a>	Judge Boyce	Did review the language of the amended indictment and instruction; Objection is Overruled; #34 will be given
<a href="#">2:11:55 PM</a>	Judge Boyce	#35
<a href="#">2:12:04 PM</a>	Ms. Blake	No objection
<a href="#">2:12:23 PM</a>	Judge Boyce	Once the verdict form is completed it will be part of this instruction- did submit a sample proposed verdict
<a href="#">2:13:01 PM</a>	Ms. Blake	Comments on verdict form- #2 - request remove "and grand theft by deception", same as #4, #5
<a href="#">2:13:44 PM</a>	Ms. Blake	No objection to content of instruction
<a href="#">2:14:09 PM</a>	Judge Boyce	Will get another proposed verdict form to parties
<a href="#">2:14:30 PM</a>	Mr. Archibald	Guilty or not guilty not consistent with box to check- terms are switched
<a href="#">2:15:22 PM</a>	Judge Boyce	Will redraft- agree that does make sense
<a href="#">2:15:54 PM</a>	Mr. Archibald	Question as to accessory as to the fact
<a href="#">2:16:02 PM</a>	Judge Boyce	Will take that up after we finish
<a href="#">2:16:08 PM</a>	Judge Boyce	#36
<a href="#">2:16:16 PM</a>	Ms. Blake	No objection
<a href="#">2:16:20 PM</a>	Mr. Archibald	No objection
<a href="#">2:16:24 PM</a>	Judge Boyce	#36 will be given
<a href="#">2:16:28 PM</a>	Judge Boyce	#37
<a href="#">2:16:35 PM</a>	Ms. Blake	No objection
<a href="#">2:16:38 PM</a>	Mr. Archibald	No objection
<a href="#">2:16:42 PM</a>	Judge Boyce	#37 will be given
<a href="#">2:16:46 PM</a>	Judge Boyce	#38
<a href="#">2:16:55 PM</a>	Ms. Blake	No objection
<a href="#">2:16:57 PM</a>	Mr. Archibald	No objection
<a href="#">2:17:02 PM</a>	Judge Boyce	#38 will be given
<a href="#">2:17:06 PM</a>	Judge Boyce	#39
<a href="#">2:17:18 PM</a>	Ms. Blake	No objection
<a href="#">2:17:20 PM</a>	Mr. Archibald	No objection
<a href="#">2:17:30 PM</a>	Judge Boyce	#39 will be given. Will take up the issue of the court giving an accessory instruction

<a href="#">2:17:59 PM</a>	Mr. Archibald	Argues for instruction
<a href="#">2:19:14 PM</a>	Judge Boyce	Which counts?
<a href="#">2:19:18 PM</a>	Mr. Archibald	All counts - except grand theft (Apply to counts 1-5)
<a href="#">2:20:18 PM</a>	Ms. Blake	Response- not appropriate
<a href="#">2:23:58 PM</a>	Mr. Archibald	Nothing further
<a href="#">2:24:07 PM</a>	Judge Boyce	Considered the request, argument and evidence presented during trial- find it will be an inappropriate instruction
<a href="#">2:27:50 PM</a>		Deny the defense request for an accessory instruction
<a href="#">2:28:18 PM</a>		New proposed verdict form that is ready to be reviewed. Let's take a quick recess for parties to review. Court in recess. Simulcast off
<a href="#">2:43:57 PM</a>		Simulcast On
<a href="#">2:44:00 PM</a>	Judge Boyce	Back on the record
<a href="#">2:44:24 PM</a>		Took a recess to redraft the proposed verdict form. Relates to jury instruction #35 which would have a form of the verdict in that instruction
<a href="#">2:44:52 PM</a>	Ms. Blake	Approve the form as written
<a href="#">2:45:02 PM</a>	Mr. Archibald	Question 6 is similar to 1 & 3; they all contain the same charge of grand theft
<a href="#">2:45:45 PM</a>	Judge Boyce	Counts are set forth in the indictment
<a href="#">2:46:07 PM</a>	Mr. Archibald	Only observation- I realize that is how it is charged
<a href="#">2:46:18 PM</a>	Judge Boyce	Court will incorporate in instruction #35; if there are any other revisions the court will update counsel; court intends to rule on Rule 29 motion in the morning
<a href="#">2:47:03 PM</a>		On the amended indictment- jurors have not had a copy provided- they will in deliberations
<a href="#">2:47:23 PM</a>		Court intends to redact out Counts 6 & 8 & 9 that relate only to Chad Daybell- will confuse jurors. Any comments on redacting those uncharged counts?
<a href="#">2:48:05 PM</a>	Ms. Blake	No objection- but will they be redacted or renumbered? Count numbers to match up with questions on the verdict.
<a href="#">2:48:49 PM</a>	Judge Boyce	Physically redact with a note to the jurors- counts would remain as they are in the instructions and indictment
<a href="#">2:49:17 PM</a>	Mr. Archibald	Will the court also delete his name from the title?

<a href="#">2:49:40 PM</a>	Ms. Blake	Would like to be heard- would confuse the jury even more- may be cleaner to have an amended indictment with her name and number the counts with the questions
<a href="#">2:50:20 PM</a>	Judge Boyce	There won't be any change to the numbers
<a href="#">2:50:28 PM</a>	Ms. Blake	Comments further
<a href="#">2:50:51 PM</a>	Judge Boyce	Will make sure they correspond
<a href="#">2:50:59 PM</a>		Suggestion from defense to remove the name- well taken point- name will remain in there- should be removed from the caption
<a href="#">2:51:49 PM</a>		Court will get a redacted indictment to counsel before tomorrow morning
<a href="#">2:52:10 PM</a>	Parties	Nothing further
<a href="#">2:52:19 PM</a>		Court in recess until tomorrow morning