

**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,

vs.

LORI NORENE VALLOW aka LORI
NORENE VALLOW DAYBELL,

Defendant.

Case No. CR22-21-1624

Final Jury Instructions

ORIGINAL

JURY INSTRUCTION NO. 1

Now that you have been sworn as jurors to try this case, I want to go over with you what will be happening. I will describe how the trial will be conducted and what we will be doing. At the end of the trial, I will give you more detailed guidance on how you are to reach your decision.

Because the state has the burden of proof, it goes first. After the state's opening statement, the defense may make an opening statement, or may wait until the state has presented its case.

The state will offer evidence that it says will support the charge against the defendant. The defense may then present evidence, but is not required to do so. If the defense does present evidence, the state may then present rebuttal evidence. This is evidence offered to answer the defense's evidence.

After you have heard all the evidence, I will give you additional instructions on the law. After you have heard the instructions, the state and the defense will each be given time for closing arguments. In their closing arguments, they will summarize the evidence to help you understand how it relates to the law. Just as the opening statements are not evidence, neither are the closing arguments. After the closing arguments, you will leave the courtroom together to make your decision. During your deliberations, you will have with you my instructions, the exhibits admitted into evidence and any notes taken by you in court.

JURY INSTRUCTION NO. 2

The defendant is charged by the state of Idaho with a violation of law. The charges against the defendant are contained in the Indictment. The Indictment is simply a description of the charge; it is not evidence.

JURY INSTRUCTION NO. 3

It is alleged that the crimes charged were committed “on or about” or “on or between” a certain date. If you find a crime was committed, the proof need not show that it was committed on that precise date.

JURY INSTRUCTION NO. 4

Under our law and system of justice, the defendant is presumed to be innocent. The presumption of innocence means two things.

First, the state has the burden of proving the defendant guilty. The state has that burden throughout the trial. The defendant is never required to prove her innocence, nor does the defendant ever have to produce any evidence at all.

Second, the state must prove the alleged crime beyond a reasonable doubt. A reasonable doubt is not a mere possible or imaginary doubt. It is a doubt based on reason and common sense. It may arise from a careful and impartial consideration of all the evidence, or from lack of evidence. If after considering all the evidence you have a reasonable doubt about the defendant's guilt, you must find the defendant not guilty.

JURY INSTRUCTION NO. 5

A defendant in a criminal trial has a constitutional right not to be compelled to testify. The decision whether to testify is left to the defendant, acting with the advice and assistance of the defendant's lawyer. You must not draw any inference of guilt from the fact that the defendant may not testify, nor should this fact be discussed by you or enter into your deliberations in any way.

JURY INSTRUCTION NO. 6

If during the trial I may say or do anything which suggests to you that I am inclined to favor the claims or positions of any party, you will not permit yourself to be influenced by any such suggestion. I will not express nor intend to express, nor will I intend to intimate, any opinion as to which witnesses are or are not worthy of belief; what facts are or are not established; or what inferences should be drawn from the evidence. If any expression of mine seems to indicate an opinion relating to any of these matters, I instruct you to disregard it.

JURY INSTRUCTION NO. 7

Your duties are to determine the facts, to apply the law set forth in my instructions to those facts, and in this way to decide the case. In so doing, you must follow my instructions regardless of your own opinion of what the law is or should be, or what either side may state the law to be. You must consider them as a whole, not picking out one and disregarding others. The order in which the instructions are given has no significance as to their relative importance. The law requires that your decision be made solely upon the evidence before you. Neither sympathy nor prejudice should influence you in your deliberations. Faithful performance by you of these duties is vital to the administration of justice.

In determining the facts, you may consider only the evidence admitted in this trial. This evidence consists of the testimony of the witnesses, the exhibits offered and received, and any stipulated or admitted facts. The production of evidence in court is governed by rules of law. At times during the trial, an objection may be made to a question asked a witness, or to a witness' answer, or to an exhibit. This simply means that I am being asked to decide a particular rule of law. Arguments on the admissibility of evidence are designed to aid the Court and are not to be considered by you nor affect your deliberations. If I sustain an objection to a question or to an exhibit, the witness may not answer the question or the exhibit may not be considered. Do not attempt to guess what the answer might have been or what the exhibit might have shown. Similarly, if I tell you not to consider a particular statement or exhibit you should put it out of your mind, and not refer to it or rely on it in your later deliberations.

During the trial I may have to talk with the parties about the rules of law which should apply in this case. Sometimes we will talk here at the bench. At other times I will excuse you from the courtroom so that you can be comfortable while we work out any problems. You are not to speculate about any such discussions. They are necessary from time to time and help the trial run smoothly.

Some of you have probably heard the terms "circumstantial evidence," "direct evidence" and "hearsay evidence." Do not be concerned with these terms. You are to consider all the evidence admitted in this trial.

However, the law does not require you to believe all the evidence. As the sole judges of the facts, you must determine what evidence you believe and what weight you attach to it.

There is no magical formula by which one may evaluate testimony. You bring with you to this courtroom all of the experience and background of your lives. In your everyday affairs you determine for yourselves whom you believe, what you believe, and how much weight you attach to what you are told. The same considerations that you use in your everyday dealings in making these decisions are the considerations which you should apply in your deliberations.

In deciding what you believe, do not make your decision simply because more witnesses may have testified one way than the other. Your role is to think about the testimony of each witness you heard and decide how much you believe of what the witness had to say.

A witness who has special knowledge in a particular matter may give an opinion on that matter. In determining the weight to be given such opinion, you should consider the qualifications and credibility of the witness and the reasons given for the opinion. You are not bound by such opinion. Give it the weight, if any, to which you deem it entitled.

JURY INSTRUCTION NO. 8

Do not concern yourself with the subject of penalty or punishment. That subject must not in any way affect your verdict. If you find the defendant guilty, it will be my duty to determine the appropriate penalty or punishment.

JURY INSTRUCTION NO. 9

If you wish, you may take notes to help you remember what witnesses said. If you do take notes, please keep them to yourself until you and your fellow jurors go to the jury room to decide the case. You should not let note-taking distract you so that you do not hear other answers by witnesses. When you leave at night, please leave your notes in the jury room.

If you do not take notes, you should rely on your own memory of what was said and not be overly influenced by the notes of other jurors. In addition, you cannot assign to one person the duty of taking notes for all of you.

JURY INSTRUCTION NO. 10

It is important that as jurors and officers of this court you obey the following instructions at any time you leave the jury box, whether it be for recesses of the court during the day or when you leave the courtroom to go home at night.

First, do not talk about this case either among yourselves or with anyone else during the course of the trial. You should keep an open mind throughout the trial and not form or express an opinion about the case. You should only reach your decision after you have heard all the evidence, after you have heard my final instructions and after the final arguments. You may discuss this case with the other members of the jury only after it is submitted to you for your decision. All such discussion should take place in the jury room.

Second, do not let any person talk about this case in your presence. If anyone does talk about it, tell them you are a juror on the case. If they won't stop talking, report that to the bailiff as soon as you are able to do so. You should not tell any of your fellow jurors about what has happened.

Third, during this trial do not talk with any of the parties, their lawyers or any witnesses. By this, I mean not only do not talk about the case, but do not talk at all, even to pass the time of day. In no other way can all parties be assured of the fairness they are entitled to expect from you as jurors.

Fourth, during this trial do not make any investigation of this case or inquiry outside of the courtroom on your own. Do not go any place mentioned in the testimony without an explicit order from me to do so. You must not consult any books, dictionaries, encyclopedias or any other source of information unless I specifically authorize you to do so.

Fifth, do not read about the case in the newspapers. Do not listen to radio or television broadcasts about the trial. You must base your verdict solely on what is presented in court and not upon any newspaper, radio, television, or other account of what may have happened. Each day you will be required to sign an affidavit affirming that you have followed this admonition.

JURY INSTRUCTION NO. 11

You have now heard all the evidence in the case. My duty is to instruct you as to the law.

You must follow all the rules as I explain them to you. You may not follow some and ignore others. Even if you disagree or don't understand the reasons for some of the rules, you are bound to follow them. If anyone states a rule of law different from any I tell you, it is my instruction that you must follow.

JURY INSTRUCTION NO. 12

As members of the jury it is your duty to decide what the facts are and to apply those facts to the law that I have given you. You are to decide the facts from all the evidence presented in the case.

The evidence you are to consider consists of:

1. sworn testimony of witnesses;
2. exhibits which have been admitted into evidence; and
3. any facts to which the parties have stipulated.

Certain things you have heard or seen are not evidence, including:

1. arguments and statements by lawyers. The lawyers are not witnesses. What they say in their opening statements, closing arguments and at other times is included to help you interpret the evidence, but is not evidence. If the facts as you remember them differ from the way the lawyers have stated them, follow your memory;
2. testimony that has been excluded or stricken, or which you have been instructed to disregard;
3. anything you may have seen or heard when the court was not in session.

JURY INSTRUCTION NO. 13

Each count charges a separate and distinct offense. You must decide each count separately on the evidence and the law that applies to it, uninfluenced by your decision as to any other count. The defendant may be found guilty or not guilty on any or all of the offenses charged.

JURY INSTRUCTION NO. 14

Evidence has been introduced for the purpose of showing that the defendant committed acts other than that for which the defendant is on trial. At the time this evidence was introduced, you were advised of its limited purpose. Such evidence, if believed, is not to be considered by you to prove the defendant's character or that the defendant has a disposition to commit crimes. Such evidence may be considered by you only for the limited purpose of proving the defendant's motive, intent, preparation, plan, knowledge, or absence of mistake or accident.

JURY INSTRUCTION NO. 15

Certain evidence was admitted for a limited purpose. At the time this evidence was admitted you were admonished that it could not be considered by you for any purpose other than the limited purpose for which it was admitted. This includes those exhibits admitted for demonstrative or illustrative purposes only.

Do not consider such evidence for any purpose except the limited purpose for which it was admitted. The following exhibits were admitted only as demonstrative or illustrative exhibits:

6, 10A, 30, 31A, 31B, 69, 76, 84, 85, 86, 111, 112, 113, 114, 115, 116, 117, 107B, 179A, 179B, 184C, 184D, 184E, 185A, 182A, 182B.

These exhibits are available for your review during your deliberations upon your request. Please advise the Bailiff, by written note, of any such request.

JURY INSTRUCTION NO. 16

The law makes no distinction between a person who directly participates in the acts constituting a crime and a person who, either before or during its commission, intentionally aids, assists, facilitates, promotes, encourages, counsels, solicits, invites, helps or hires another to commit a crime with intent to promote or assist in its commission. Both can be found guilty of the crime. Mere presence at, acquiescence in, or silent consent to, the planning or commission of a crime is not sufficient to make one an accomplice.

JURY INSTRUCTION NO. 17

An act is "wilful" or done "wilfully" when done on purpose. One can act wilfully without intending to violate the law, to injure another, or to acquire any advantage.

JURY INSTRUCTION NO. 18

A witness who has special knowledge in a particular matter may give an opinion on that matter. In determining the weight to be given such opinion, you should consider the qualifications and credibility of the witness and the reasons given for the opinion. You are not bound by such opinion. Give it the weight, if any, to which you deem it entitled.

JURY INSTRUCTION NO. 19

The crime of Conspiracy, as alleged in Counts I and III of the Amended Indictment involves an agreement by two or more persons to commit the crimes of First Degree Murder and Grand Theft by Deception. The crime of Conspiracy, as alleged in Count V of the Amended Indictment involves an agreement by two or more persons to commit the crime of First Degree Murder. They need not agree upon every detail. The agreement may be established in any manner sufficient to show an understanding of the parties to the agreement. It may be shown by evidence of an oral or written agreement, or may be implied from the conduct of the parties.

JURY INSTRUCTION NO. 20

All of the parties to a conspiracy need not enter into the agreement at the same time.
A person who later joins an already formed conspiracy with knowledge of its unlawful purpose is a party to the conspiracy.

JURY INSTRUCTION NO. 21

Murder is the killing of a human being with malice aforethought.

JURY INSTRUCTION NO. 22

Malice may be express or implied.

Malice is express when there is manifested a deliberate intention unlawfully to kill a human being. Malice is implied when:

1. The killing resulted from an intentional act,
2. The natural consequences of the act are dangerous to human life, and
3. The act was deliberately performed with knowledge of the danger to, and with conscious disregard for, human life.

When it is shown that a killing resulted from the intentional doing of an act with express or implied malice, no other mental state need be shown to establish the mental state of malice aforethought. The mental state constituting malice aforethought does not necessarily require any ill will or hatred of the person killed.

The word "aforethought" does not imply deliberation or the lapse of time. It only means that the malice must precede rather than follow the act.

JURY INSTRUCTION NO. 23

To "obtain" property means to bring about a transfer of an interest in or the possession of the property.

JURY INSTRUCTION NO. 24

An "owner" of property is any person who has a right to possession of such property superior to that of the defendant.

JURY INSTRUCTION NO. 25

"Person" means an individual, corporation, association, public or private corporation, city or other municipality, county, state agency, the state of Idaho, federal agency, or United States of America.

JURY INSTRUCTION NO. 26

"Property" means anything of value including labor or services.

JURY INSTRUCTION NO. 27

A person steals property and commits theft when, with intent to deprive another of property or appropriate the same to the person or to a third party, such person wrongfully takes, obtains, or withholds such property from an owner thereof.

JURY INSTRUCTION NO. 28

In order for the Defendant to be guilty of Conspiracy to Commit First Degree Murder and Grand Theft by Deception as alleged in Count I of the Amended Indictment, the State must prove each of the following:

1. On or about or October 26, 2018 to January 15, 2020,
2. in the state of Idaho,
3. the Defendant Lori Norene Vallow, with Chad Daybell and/or Alex Cox agreed,
4. to commit the crimes of Murder in the First Degree of Tylee Ryan and Grand Theft by Deception,
5. the Defendant intended that the crimes would be committed,
6. one of the parties to the agreement performed at least one of the following acts:
 - a. On or between October 26, 2018, and June 9, 2020, Chad Guy Daybell (and Lori Norene Vallow) did endorse and espouse religious beliefs for the purpose of encouraging and/or justifying the homicide of Tylee Ryan.
 - b. On or about August 16, 2019, Lori Norene Vallow Daybell did change the deposit of Tylee Ryan's Social Security benefits from Tylee Ryan's JP Morgan Chase Account to deposit money directly into Lori Norene Vallow's personal BBVA account.
 - c. On or about September 1, 2019, Lori Norene Vallow Daybell did move from Chandler, Arizona to Rexburg, Idaho with Alex Cox, Tylee Ryan, and Joshua Jaxon (JJ) Vallow.
 - d. On or about September 8, 2019, Chad Guy Daybell Googled "ssw wind" and visited a website entitled "What is the definition of SSW wind direction?"
 - e. On or about September 9, 2019, Alex Cox did go to 565 Pioneer Road, Apt. 175, Rexburg, Idaho.
 - f. On or between September 9, 2019 and February 1, 2020, Lori Norene Vallow Daybell failed, or refused, to contact the Social Security Administration as required by law to inform the Social Security Administration of Tylee Ryan's death.

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g. On or between September 25, 2019 and January 22, 2020, Lori Norene Vallow Daybell did wrongfully continue to collect five monthly Social Security Survivor benefits on behalf of Tylee Ryan.

7. and such act was done for the purpose of carrying out the agreement.

If any of the above has not been proven beyond a reasonable doubt, then you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, you must find the defendant guilty.

JURY INSTRUCTION NO. 29

In order for the defendant to be guilty of First-Degree Murder as alleged in Count II of the Amended Indictment, the State must prove each of the following:

1. On or about, September 8, 2019 to September 9, 2019,
2. in the state of Idaho,
3. the defendant Lori Norene Vallow Daybell engaged in conduct, or did aid, abet, advise, or counsel another to engage in conduct which caused the death of Tylee Ryan,
4. with malice aforethought, and
5. the murder was a willful, deliberate, and premeditated killing. Premeditation means to consider beforehand whether to kill or not to kill, and then to decide to kill. There does not have to be any appreciable period of time during which the decision to kill was considered, as long as it was reflected upon before the decision was made. A mere unconsidered and rash impulse, even though it includes an intent to kill, is not premeditation.

“Aiding and abetting” is defined as follows: All persons who participate in a crime either before or during its commission, by intentionally aiding, abetting, advising, or counseling, another to commit the crime with intent to promote or assist in its commission are guilty of the crime. All such participants are considered principals in the commission of the crime. The participation of each defendant in the crime must be proved beyond a reasonable doubt.

If you find that the State has failed to prove beyond a reasonable doubt any of the elements one (1) – four (4) above or failed to prove any of the circumstances listed in element five (5), you must find the defendant not guilty of First Degree Murder. If you find that elements one (1) – four (4) above have been proven beyond a reasonable doubt, and you unanimously agree that the State has proven any of the above circumstances under element five (5) beyond a reasonable doubt, you must find the defendant guilty of First Degree murder.

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If you find that the State has failed to prove any of the above, you must find the defendant not guilty of First Degree murder. If you find that all of the above have been proven beyond a reasonable doubt, then you must find the defendant guilty of First Degree murder.

JURY INSTRUCTION NO. 30

In order for the defendant to be guilty of Conspiracy to Commit First Degree Murder and Grand Theft by Deception as alleged in Count III of the Amended Indictment, the State must prove each of the following:

1. On or about October 26, 2018 to January 15, 2020,
2. in the state of Idaho
3. the defendant Lori Norene Vallow, Chad Daybell, and/or Alex Cox agreed
4. to commit the crimes of Murder in the First Degree of Joshua Jaxon Vallow and Grand Theft by Deception.
5. the defendant intended that the crimes would be committed;
6. one of the parties to the agreement performed at least one of the following acts:
 - a. On or between October 26, 2018 and June 9, 2020, Chad Guy Daybell (and Lori Norene Vallow) did endorse and espouse religious beliefs for the purpose of encouraging and/or justifying the homicide of JJ Vallow.
 - b. On or about September 1, 2019, Lori Norene Vallow Daybell did move from Chandler, Arizona to Rexburg, Idaho with Alex Cox, Tylee Ryan, and Joshua Jaxon (JJ) Vallow.
 - c. On or about September 23, 2019, Alex Cox did take possession of JJ Vallow.
 - d. On or about November 26, 2019, Lori Norene Vallow Daybell provided a false and/or misleading physical location of JJ Vallow to law enforcement during a lawful investigation.
 - e. On or between September 23, 2019 and February 1, 2020, Lori Norene Vallow Daybell failed or refused to contact the Social Security Administration as required by law to inform the Social Security Administration of JJ Vallow's death.
 - f. On or between September 9, 2019 and February 1, 2020, Lori Norene Vallow Daybell did wrongfully continue to collect four monthly Social Security Survivor benefits on behalf of JJ Vallow and four monthly Social Security Child-in-Care payments.
7. and such act was done for the purpose of carrying out the agreement.

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If any of the above has not been proven beyond a reasonable doubt, then you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, you must find the defendant guilty.

JURY INSTRUCTION NO. 31

In order for the defendant to be guilty of First Degree Murder as alleged in Count IV of the Amended Indictment, the State must prove each of the following:

1. On or about, September 22, 2019 to September 23, 2019,
2. in the state of Idaho,
3. the defendant Lori Norene Vallow Daybell engaged in conduct, or did aid, abet, advise, or counsel another to engage in conduct which caused the death of Joshua Jaxon (JJ) Vallow.
4. with malice aforethought, and
5. the murder was a willful, deliberate, and premeditated killing. Premeditation means to consider beforehand whether to kill or not to kill, and then to decide to kill. There does not have to be any appreciable period of time during which the decision to kill was considered, as long as it was reflected upon before the decision was made. A mere unconsidered and rash impulse, even though it includes an intent to kill, is not premeditation.

“Aiding and abetting” is defined as follows: All persons who participate in a crime either before or during its commission, by intentionally aiding, abetting, advising, or counseling, another to commit the crime with intent to promote or assist in its commission are guilty of the crime. All such participants are considered principals in the commission of the crime. The participation of each defendant in the crime must be proved beyond a reasonable doubt.

If you find that the state has failed to prove beyond a reasonable doubt any of the elements one(1) – four(4) above or failed to prove any of the circumstances listed in element five(5), you must find the defendant not guilty of First Degree Murder. If you find that elements one(1) – four(4) above have been proven beyond a reasonable doubt, and you unanimously agree that the state has proven any of the above circumstance[s] under
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element five(5) beyond a reasonable doubt, you must find the defendant guilty of First Degree Murder.

If you find that the state has failed to prove any of the above, you must find the defendant not guilty of First Degree Murder. If you find that all of the above have been proven beyond a reasonable doubt, then you must find the defendant guilty of First Degree Murder.

JURY INSTRUCTION NO. 32

In order for the defendant to be guilty of Conspiracy to Commit First Degree Murder as alleged in Count V of the Amended Indictment, the State must prove each of the following:

1. On or about October 26, 2018 to January 15, 2020,
 2. in the state of Idaho,
 3. the defendant Lori Norene Vallow, Chad Daybell and/or Alex Cox agreed,
 4. to commit the crime of Murder in the First Degree of Tamara “Tammy” Daybell,
 5. the defendant intended that the crime would be committed,
 6. one of the parties to the agreement performed at least one of the following acts:
 - a. On or about or between the dates of October 26, 2018 and June 9, 2020, Chad Guy Daybell and Lori Norene Vallow Daybell did encourage and espouse religious beliefs for the purpose of justifying and/or encouraging the homicide of Tamara (Tammy) Daybell.
 - b. On or about September 1, 2019, Lori Norene Vallow Daybell did move to Rexburg, Idaho with Alex Cox, Tylee Ryan, and Joshua Jackson (hereinafter JJ) Vallow.
 - c. On or about July 30, 2019, Chad and Lori sent text messages to each other regarding death percentages for Tammy and JJ.
 - d. Chad Daybell obtained a burner phone on September 18, 2019.
 - e. Alex Cox obtained a burner phone on October 9, 2019.
 - f. Chad Guy Daybell and Lori Norene Vallow Daybell sent text messages to each other about Tamara “Tammy” Daybell being in Limbo, and Tammy being possessed by a spirit named Viola.
 - g. September 8, 2019, Chad Guy Daybell signed an application along with Tamara “Tammy” Daybell to increase her LifeMap insurance to the maximum allowed under her policy.
 - h. Alex Cox attempted to shoot Tamara “Tammy” Daybell on October 9, 2019.
 - i. Alex Cox conducted multiple internet searches between the dates of October 8, 2019 and October 12, 2019 including searches related to Grendel drop and shooting through a Dodge Dakota.
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- j. Alex Cox went to gun range in the month before October 9, 2019 when the attempted shooting of Tamara (Tammy) Daybell takes place.
 - k. Alex traveled from Sportsman's Warehouse to the vicinity of the Daybell residence on October 9, 2019.
 - l. Alex was in the church parking lot approximately 2.5 miles from the Daybell residence on the night of October 18, 2019.
7. and such act was done for the purpose of carrying out the agreement.

If any of the above has not been proven beyond a reasonable doubt, then you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, you must find the defendant guilty.

JURY INSTRUCTION NO. 33

There are different forms of Theft, depending on the manner in which the theft was committed. The defendant Lori Norene Vallow aka Lori Norene Daybell is charged in Count VII with the theft of Social Security Funds. The state alleges that such theft was committed either by taking, withholding, or detaining said property or by deception. If you are satisfied beyond a reasonable doubt and unanimously agree that the defendant committed the crime of Theft, you should find the defendant guilty. You are not required to agree as to which particular form of theft the defendant committed.

JURY INSTRUCTION NO. 34

In order for the defendant to be guilty of Grand Theft as alleged in Count VII of the Amended Indictment, the State must prove each of the following:

1. On or about the dates of October 1, 2019 to January 22, 2020,
2. In the state of Idaho,
3. The defendant Lori Norene Vallow aka Lori Norene Daybell obtained or exerted control over Social Security Survivor benefits allocated for Tylee Ryan and JJ Vallow, and Social Security child-in-care benefits allocated for Lori Norene Vallow, in an amount exceeding one thousand dollars (\$1000.00 USD), to which funds Lori Norene Vallow aka Lori Norene Daybell was not entitled,
4. Another person was the owner of such property,
5. The defendant did so by knowingly doing one or more of the following:
 - a. Creating or confirming another's impression which is false and which the defendant did not believe to be true,

or
 - b. Failing to correct a false impression which the defendant previously had created or confirmed,

or
 - c. Preventing another person from acquiring information relevant to the disposition of the property, or
6. The defendant had the intent to deprive the owner of the property or to appropriate the property to the defendant or to some person other than the owner.

If any of the above has not been proven beyond a reasonable doubt, you must find the defendant not guilty of Grand Theft. If each of the above has been proven beyond a reasonable doubt, then you must find the defendant guilty of Grand Theft.

JURY INSTRUCTION NO. 35

In this case you will return a verdict, consisting of a series of questions. Although the explanations on the verdict form are self-explanatory, they are part of my instructions to you. I will now read the verdict form to you. It states:

WE, THE JURY, duly impaneled and sworn to try the above-entitled action, for our verdict, unanimously answer the question(s) submitted to us as follows:

QUESTION NO. 1: In regards to Count I of the Amended Indictment, is Lori Norene Vallow not guilty or guilty of Conspiracy to Commit First Degree Murder of Tylee Ryan and Grand Theft by Deception?

Not Guilty _____ **Guilty** _____

QUESTION NO. 2: In regards to Count II of the Amended Indictment, is Lori Norene Vallow not guilty or guilty of First Degree Murder of Tylee Ryan?

Not Guilty _____ **Guilty** _____

QUESTION NO. 3: In regards to Count III of the Amended Indictment, is Lori Norene Vallow not guilty or guilty of Conspiracy to Commit First Degree Murder of Joshua Jaxon Vallow and Grand Theft by Deception?

Not Guilty _____ **Guilty** _____

QUESTION NO. 4: In regards to Count IV of the Amended Indictment, is Lori Norene Vallow not guilty or guilty of First Degree Murder of Joshua Jaxon Vallow?

Not Guilty _____ **Guilty** _____

QUESTION NO. 5: In regards to Count V of the Amended Indictment, is Lori Norene Vallow not guilty or guilty of Conspiracy to Commit First Degree Murder of Tamara “Tammy” Daybell?

Not Guilty _____ **Guilty** _____

QUESTION NO. 6: In regards to Count VII of the Amended Indictment, is Lori Norene Vallow not guilty or guilty of Grand Theft?

Not Guilty _____ **Guilty** _____

Dated this _____ day of May, 2023.

PRESIDING OFFICER

JURY INSTRUCTION NO. 36

You have been instructed as to all the rules of law that may be necessary for you to reach a verdict. Whether some of the instructions will apply will depend upon your determination of the facts. You will disregard any instruction which applies to a state of facts which you determine does not exist. You must not conclude from the fact that an instruction has been given that the Court is expressing any opinion as to the facts.

JURY INSTRUCTION NO. 37

The original instructions and the exhibits will be with you in the jury room, with the exception of Exhibits 280 (Alexander Arms Grendel 6.5mm firearm), 278, and 279 (firearm baffles), and illustrative or demonstrative exhibits. For safety and security reasons, the firearm exhibits may be viewed with the assistance of the bailiff if requested by the jury. The demonstrative or illustrative exhibits may be available as explained in Jury Instruction No. 15. They are part of the official court record. For this reason please do not alter them or write or mark on them in any way. Some of the exhibit(s) have been sealed in bags or containers that allow you to view them. Do not open or remove the contents of these exhibits. If you have any questions about the handling or use of the exhibits, submit those questions in writing to me through the bailiff.

The instructions are numbered for convenience in referring to specific instructions. There may or may not be a gap in the numbering of the instructions. If there is, you should not concern yourselves about such gap.

JURY INSTRUCTION NO. 38

Upon retiring to the jury room, select one of you as a presiding officer, who will preside over your deliberations. It is that person's duty to see that discussion is orderly; that the issues submitted for your decision are fully and fairly discussed; and that every juror has a chance to express himself or herself upon each question. In this case, your verdict must be unanimous. When you all arrive at a verdict, the presiding officer will sign it and you will return it into open court. Your verdict in this case cannot be arrived at by chance, by lot, or by compromise. If, after considering all of the instructions in their entirety, and after having fully discussed the evidence before you, the jury determines that it is necessary to communicate with me, you may send a note by the bailiff. You are not to reveal to me or anyone else how the jury stands until you have reached a verdict or unless you are instructed by me to do so. A verdict form suitable to any conclusion you may reach will be submitted to you with these instructions.

JURY INSTRUCTION NO. 39

I have outlined for you the rules of law applicable to this case and have told you of some of the matters which you may consider in weighing the evidence to determine the facts. In a few minutes counsel will present their closing remarks to you, and then you will retire to the jury room for your deliberations.

The arguments and statements of the attorneys are not evidence. If you remember the facts differently from the way the attorneys have stated them, you should base your decision on what you remember.

The attitude and conduct of jurors at the beginning of your deliberations are important. It is rarely productive at the outset for you to make an emphatic expression of your opinion on the case or to state how you intend to vote. When you do that at the beginning, your sense of pride may be aroused, and you may hesitate to change your position even if shown that it is wrong. Remember that you are not partisans or advocates, but are judges. For you, as for me, there can be no triumph except in the ascertainment and declaration of the truth.

As jurors you have a duty to consult with one another and to deliberate before making your individual decisions. You may fully and fairly discuss among yourselves all of the evidence you have seen and heard in this courtroom about this case, together with the law that relates to this case as contained in these instructions.

During your deliberations, you each have a right to re-examine your own views and change your opinion. You should only do so if you are convinced by fair and honest

discussion that your original opinion was incorrect based upon the evidence the jury saw and heard during the trial and the law as given you in these instructions.

Consult with one another. Consider each other's views, and deliberate with the objective of reaching an agreement, if you can do so without disturbing your individual judgment. Each of you must decide this case for yourself; but you should do so only after a discussion and consideration of the case with your fellow jurors.

However, none of you should surrender your honest opinion as to the weight or effect of evidence or as to the innocence or guilt of the defendant because the majority of the jury feels otherwise or for the purpose of returning a unanimous verdict.