

R. James Archibald
Attorney at Law
Idaho State Bar No. 4445
1439 North 1070 East
Shelley, Idaho 83274
Telepone (208) 317-2908
Email: jimarchibald21@gmail.com

John Thomas
Attorney at Law
Idaho State Bar No. 6727
166 Martinsburg Lane
Idaho Falls, Idaho 83404
Telephone (208) 313-7481
Email: jthomas@co.bonneville.id.us

Attorneys for Defendant

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISCTRICK FOR
THE STATE OF IDAHO, COUNTY OF FREMONT**

STATE OF IDAHO,)	Case No. CR22-21-1624
)	
Plaintiff,)	
v.)	MOTION TO INCORPORATE
)	FEDERAL AND STATE
LORI VALLOW DAYBELL,)	CONSTITUTIONAL GROUNDS
)	IN SUPPORT OF FUTURE
Defendant.)	MOTIONS AND OBJECTIONS
_____)	

Comes now the defendant, Lori Vallow Daybell, by and through her attorneys of record, and respectfully moves this Court to incorporate the following points and authorities in support of all motions, objections, exceptions, and requests made in the proceedings of this case.

1. Counsel seeks permission to make every objection and motion to satisfy state and federal appeal requirements by incorporating by reference all relevant authorities listed in this motion.

2. To save this Court's time during trial, to not frustrate the jury during needless record-making sidebars for objections, and to not unduly interrupt opposing counsel's presentation of his or her case, undersigned counsel requests that this Court grant permission to incorporate into each of the constitutional objections all of the grounds cited below, in lieu of citing every ground for each objection when it is made during these proceedings.

3. With regard to all motions, objections, exceptions, and requests made in the proceedings of this case, Defendant relies upon the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution. See, e.g., *McWilliams v. Dunn*, 137 S. Ct. 1790 (2017); *Moore v. Texas*, 137 S. Ct. 1039 (2017); *Miller v. Alabama*, 567 U.S. 460 (2012); *Miller-El v. Dretke*, 545 U.S. 231 (2005); *Hurst v. Florida*, 136 S. Ct. 616 (2016); *Brumfield v. Cain*, 135 S. Ct. 2269 (2015); *Hall v. Florida*, 134 S. Ct. 1986 (2014); *Hinton v. Alabama*, 134 S. Ct. 1081 (2014) (per curiam); *J.D.B. v. North Carolina*, 564 U.S. 261 (2011); *Sears v. Upton*, 561 U.S. 945 (2010) (per curiam); *Graham v. Florida*, 560 U.S. 48 (2010); *Porter v. McCollum*, 558 U.S. 30 (2009) (per curiam); *Melendez-Diaz v. Massachusetts*, 557 U.S. 305 (2009); *Snyder v. Louisiana*, 552 U.S. 472 (2008); *Kennedy v. Louisiana*, 554 U.S. 407 (2008); *Panetti v. Quarterman*, 551 U.S. 930 (2007);

Brewer v. Quarterman, 550 U.S. 286 (2007); Abdul-Kabir v. Quarterman, 550 U.S. 233 (2007); Holmes v. South Carolina, 547 U.S. 319 (2006); Rompilla v. Beard, 545 U.S. 374 (2005); Roper v. Simmons, 543 U.S. 551 (2005); Shepard v. United States, 544 U.S. 13 (2005); United States v. Booker, 543 U.S. 220 (2005); Fellers v. United States, 540 U.S. 519 (2004); Crawford v. Washington, 541 U.S. 36 (2004); Smith v. Texas, 543 U.S. 37 (2004) (per curiam); Groh v. Ramirez, 540 U.S. 551 (2004); Kelly v. South Carolina, 534 U.S. 246 (2002); Atkins v. Virginia, 536 U.S. 304 (2002); Ring v. Arizona, 536 U.S. 584 (2002); Shafer v. South Carolina, 532 U.S. 36 (2001); Penry v. Johnson, 532 U.S. 782 (2001); Apprendi v. New Jersey, 530 U.S. 466 (2000); Lilly v. Virginia, 527 U.S. 116 (1999); Cooper v. Oklahoma, 517 U.S. 348 (1996); Kyles v. Whitley, 514 U.S. 419 (1995); Simmons v. South Carolina, 512 U.S. 154 (1994); J.E.B. v. Alabama, 511 U.S. 127 (1994); Morgan v. Illinois, 504 U.S. 719 (1992); Espinosa v. Florida, 505 U.S. 1079 (1992) (per curiam); Parker v. Dugger, 498 U.S. 308 (1991); Powers v. Ohio, 499 U.S. 400 (1991); McKoy v. North Carolina, 494 U.S. 433 (1990); Maynard v. Cartwright, 486 U.S. 356 (1988); Ross v. Oklahoma, 487 U.S. 81 (1988); Johnson v. Mississippi, 486 U.S. 578 (1988); Mills v. Maryland, 486 U.S. 367 (1988); Booth v. Maryland, 482 U.S. 496 (1987); Hitchcock v. Dugger, 481 U.S. 393 (1987); Gray v. Mississippi, 481 U.S. 648 (1987); Batson v. Kentucky, 476 U.S. 79 (1986); Turner v. Murray, 476 U.S. 28 (1986); Caldwell v. Mississippi, 472 U.S. 320 (1985); Francis v. Franklin, 471 U.S. 307 (1985); Enmund v. Florida, 458 U.S. 782 (1982); Eddings v. Oklahoma, 455 U.S. 104 (1982); Godfrey v. Georgia, 446 U.S. 420 (1980); Beck v. Alabama, 447 U.S. 625 (1980); Duren v. Missouri,

439 U.S. 357 (1979); Green v. Georgia, 442 U.S. 95 (1979) (per curiam); Lockett v. Ohio, 438 U.S. 586 (1978); Bell v. Ohio, 438 U.S. 637 (1978); Gardner v. Florida, 430 U.S. 349 (1977); Castaneda v. Partida, 430 U.S. 482 (1977); Woodson v. North Carolina, 428 U.S. 280 (1976); Proffitt v. Florida, 428 U.S. 242 (1976); Gregg v. Georgia, 428 U.S. 153 (1976); Taylor v. Louisiana, 419 U.S. 522 (1975); Furman v. Georgia, 408 U.S. 238 (1972) (per curiam); Witherspoon v. Illinois, 391 U.S. 510 (1968); Sheppard v. Maxwell, 384 U.S. 333 (1966); and Irvin v. Dowd, 366 U.S. 717 (1961).

4. With regard to all motions, objections, exceptions, and requests made in the proceedings of this case, Defendant also relies upon pertinent sections of the Idaho Constitution; and other applicable laws of the State of Idaho and the United States.

5. Defendant asserts all applicable grounds with regard to each and every motion, objection, exception, and request made in the trial of this case. She does not waive any ground.

6. Defendant also continues to assert all of those grounds already asserted in pleadings previously filed with this Court. She asserts a continuing objection through trial with regard to all matters upon which the Court has ruled adversely to her in response to pretrial motions.

For these reasons, Defendant requests that this Court incorporate all federal and state constitutional grounds in support of all motions, objections, exceptions, and requests made in the proceedings of this case.

