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Attorneys for the State

**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 DAYBELL,

Defendant.

Case No.: CR22-21-1624

**RESPONSE TO DEFENDANT’S FIRST
SPECIFIC REQUEST FOR
DISCOVERY**

The State of Idaho hereby responds to the Defendant’s first Specific Request for Discovery as follows:

Request 1: The State has no objection to the substance of this request but objects to the assertion that the State has not complied with the requirements of Idaho Criminal Rule 16. The State has complied with this request and will continue to comply with this request.

The prosecutor does not have a general duty to collect evidence. *State v. Bryant*, 127 Idaho 24, 28, 896 P.2d 350, 354 (Ct.App.1995). Nor is there a “constitutional requirement that the prosecution make a complete and detailed accounting to the defense of all police investigatory work on a case.” *Moore v. Illinois*, 408 U.S. 786, 795, 92 S.Ct. 2562, 2568, 33 L.Ed.2d 706, 714

(1972); accord *United States v. Bagley*, 473 U.S. 667, 675, 105 S.Ct. 3375, 3380, 87 L.Ed.2d 481, 490 (1985) (“[T]he prosecutor is not required to deliver his entire file to defense counsel.”). Due process, though, requires that the prosecutor disclose to the defendant all material, exculpatory evidence known to the prosecutor or in his possession.⁴ *State v. Lewis*, 144 Idaho 64, 66–67, 156 P.3d 565, 567–68 (2007); *State v. Boehm*, 158 Idaho 294, 300, 346 P.3d 311, 317 (Ct. App. 2015).

The defense asserts that “many of the witnesses and prospective witnesses living in Arizona, Utah, Texas and elsewhere have been having regular contact with the prosecution and/or agents thereof.” Where the Defense has not provided any specificity to support its assertion, the State is unaware of what contact the Defense is referring to. Any statements made to law enforcement by witnesses are provided in reports and discovery and will continue to be. Any statements that are discoverable will be provided as part of our ongoing discovery obligations.

The Idaho Constitution, Article 1, Section 22(5) provides victims of crime the right to communicate with the Prosecution. A similar right is found in Idaho Code 19-5306(f). The State is unaware of any authority that requires the State to notify the defense of every communication it has with a victim or witness. Further, the State is unaware of any authority that construes the meaning of the word “statement” so broadly as to include every question or concern raised by a victim or witness to the State. Such an interpretation is inconsistent with the law and with realities of litigation.

In the event a victim or witness made a statement regarding the evidence or subject matter of the case which had not already been provided to law enforcement or was not contained in a police report, the State has and will continue to provide that to the defense. At this time, the State is unaware of any such statement to the State that has not already been disclosed.

Request 2: The State has no objection to this request.

Request 3: The State has no objection to this request.

Respectfully submitted this 12th day of September, 2022.

/s/ Lindsey A. Blake

Lindsey A. Blake
Prosecuting Attorney

/s/ Rob H. Wood

Rob H. Wood
Prosecuting Attorney

CERTIFICATE

I HEREBY CERTIFY that on this 12th day of September, 2022, that a copy of the foregoing RESPONSE TO DEFENDANT’S FIRST SPECIFIC REQUEST FOR DISCOVERY was served as follows:

R. James Archibald
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- U.S. Mail
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By: /s/ Jodi L. Thurber