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11 Attorney for LORI NORENE DAYBELL VALLOW

12 **IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF**
13 **THE STATE OF IDAHO, IN AND FOR THE COUNTY OF MADISON**
14 **MAGISTRATE COURT**

15 STATE OF IDAHO,
16 PLAINTIFF

17 Vs.

18 LORI NORENE VALLOW,
19 AKA LORI NORENE DAYBELL
20 DEFENDANT

CASE NO. CR22-21-1624

MOTION FOR SUBPOENA DUCES TECUM
CRIMINAL DEPOSITION RE: Ms. Melanie
Gibb

21 COMES NOW DEFENDANT, Ms. Lori Vallow Daybell, by and through her Attorney of
22 Record, Mark L. Means of Means Law Office, by way of Idaho Criminal rule 15 (and or any other
23 applicable rule of law) and moves this Court to enter an order (certificate if applicable) to allow
24 for the out of state subpoena duces tecum criminal deposition of State Material/Essential
25 Witness Ms. Melanie Gibb. This motion is made to prevent the failure of justice in this matter.¹

26 ¹ Please see the Declared Motion to Show Cause filed regarding the violations of rule of law by Ms. Melanie Gibb. (Hereby attached for convenience of the Court) Please note that Ms. Gibb is believed to have used various/multiple telephones (telephone numbers), emails, alias, social media profiles and the like to possible evade prosecution in regards to this matter as well as conceal her actions/inactions. Please note that it is further believed that the prosecution has failed to present and or acquire all evidence regarding Ms. Gibb's involvement as she has been deemed and or "crowned" state's

1 Furthermore, Defendant requests this Court pursuant to Idaho Criminal Rule 15 (d)
2 enter an order that Fremont County, State of Idaho pay the expense and subsistence of the
3 defendant and Defendant's Attorneys for attendance at the examination and the costs of the
4 transcript of the deposition.
5

6 Any objection of this matter by the State is and properly presumed to be an obstruction
7 of justice. This motion in no way prejudices the prosecution in this matter and should be
8 granted upon filing.²
9

10 WHEREFORE, Defendant ask the Court to enter an order granting authorizing the out of
11 state subpoena duces tecum deposition of material witness Ms. Melanie Gibb.

12 DATED this 4 day of November 2021.

13
14 *M.L. Means*
15 _____
16 Mark L. Means
17 Advocate for Ms. Lori Vallow Daybell
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20 _____
21 essential/material "fact" witness. Please see preliminary hearing regarding
22 Mr. Chad Daybell occurring August 3-4, 2021. Furthermore, it is believed
23 that improper/unethical communications, coaching, admissions, tampering,
24 between the prosecution and said witness has occurred and not disclosed by
25 the prosecution, despite its legal obligations to do such.
26 2 Though this case is legally "stayed" by way of Order of this Court. This
Court has entered orders Sua sponte and or ex parte in benefit to prosecution
and has not withdrawn these orders despite timely objections filed by
Defendant in response to said orders. It appears the legal interpretation of
"stayed" and or the staying of all legal proceedings does not apply to ex
parte/Sua sponte orders. The Defense does not share office space with the
Fremont/Madison County Courthouse and is thereby unable to "walk" this motion
over prior to filing to have the Court enter an order(s) and file said
order(s) and motion simultaneously as previously done multiple times by the
prosecution.

1
2 CERTIFICATE OF SERVICE: I hereby certify that the above aforementioned document
3 was served as identified below DATED this 4 day of November 2021.

4 Ms. Lindsey A. Blake x_____ Email
5 Office of the Fremont County Prosecution
6 Prosecuting Attorney
7 22 W. 1st. N.
8 St. Anthony, ID 83445
9 Telephone: 208.624.4418
10 Service email: prosecutor@co.fremont.id.us

11 Mr. Robert Wood x_____ Email
12 Office of the Madison County Prosecution
13 Service email: mcpo@co.madison.id.us

14 Mr. James "Jim" Archibald x_____ Email
15 Public Defender
16 Service email: jimarchibald21@gmail.com

17 Mr. John Prior x_____ Email
18 Prior Law
19 Service email: john@jpriorlaw.com

20 DATED this 4 day of November 2021.

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By Mark L. Means
Mark L. Means
Attorney Advocate for the Defendant
Mrs. Lori Daybell

1 Mr. Mark L. Means (ISB 7530)
2 Means Law and Mediation
3 Means – Law
4 429 SW 5th Ave. Suite 110
5 Meridian, ID 83642
6 Telephone: 2087943111
7 Facsimile: 18662283429
8 Email: meanslawoffice@gmail.com
9 lcourt: icourtlaw@gmail.com
10 Attorney for MRS. LORI DAYBELL

11 **IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT STATE**
12 **OF IDAHO COUNTY OF FREMONT**

13 STATE OF IDAHO,
14 Plaintiff

CASE NO. CR22-21-1624

15 Vs.

**DECLARED MOTION TO SHOW CAUSE RE:
16 CONTEMPT FOR FAILURE TO COMPLY WITH
17 LAWFULLY SERVED SUBPOENA**

18 LORI NORENE VALLOW
19 AKA LORI NORENE DAYBELL

20 COMES NOW THE DEFENDANT, Mrs. Lori Norene Daybell, and move this Court, pursuant
21 to Idaho Criminal Rule 17, and all other applicable rules, laws, and or statutes, to order State
22 Essential Witness Ms. Melanie Gibb (hereafter Ms. Gibb) to show cause as to why she should
23 not be held in contempt for failure to comply with a lawfully served subpoena.¹

24 To date, no response whatsoever, has been received by Ms. Gibb and or by a legal
25 representative of Ms. Gibb regarding the properly served subpoena.² At the time of service,
26 Ms. Gibb stated she would "...refuse service and was calling Prosecutor Wood...".

¹ See attached filed Affidavit of Service and Subpoena.

² See Fremont County, State of Idaho Case Number: CR 22-20-0838/CR 22-20-0755. This Court has "taken" Judicial notice of other filings, hearings, orders and the like from the above-mentioned cases and is requested to do the same in this matter.

1 Ms. Gibb was lawfully served with the attached subpoena while Ms. Gibb was physically
2 present in the State of Idaho and allowed ample time to comply with said subpoena. Ms. Gibb
3 has chosen to ignore the rules of law and as such should be ordered by this Court to show
4 cause as to why she should not be held in Contempt. Any such order by this Court should be
5 drafted to allow out of state service regarding said Order as Ms. Gibb is believed to be a
6 residence of the State of Arizona.
7

8 The Defense believes that Ms. Gibb has possibly evaded criminal prosecution regarding
9 incidents relevant to that above case(s), has engaged in inappropriate private communications
10 including phone calls, emails, and text messages with the above said Prosecution, other
11 essential witnesses, possibly destroyed evidence and or electronic devices in this matter, and
12 has made multiple conflicting statements regarding her personal knowledge, actions, in actions,
13 in regard to the above case(s), and compliance with the subpoena is the initial first step to
14 address these concerns.
15

16 Defendant further moves this Court for an award of fees, costs, and sanctions as
17 allowed by law in address this contempt behavior by Ms. Gibb.
18

19 **That I Certify (or Declare) under penalty of perjury pursuant to the Law of the State of Idaho**
20 **that the foregoing is true and correct**

21 DATED this 2 day of November 2021.
22

23 Mark L. Means
24 Mark L. Means
25
26

1 CERTIFICATE OF SERVICE: I hereby certify that the above aforementioned document
2 was served as identified below DATED this 27 day of November 2021.

3 Ms. Lindsey A. Blake
4 Office of the Fremont County
5 Prosecuting Attorney
6 22 W. 1st. N.
7 St. Anthony, ID 83445
8 Telephone: 208.624.4418
9 Service email: prosecutor@co.fremont.id.us

x _____ Email

7 Mr. John Prior
8 Prior Law
9 Service email: john@jpriorlaw.com

x _____ Email

10 DATED this 2 day of November 2021.

11
12
13 By

Mark L. Means

14 Mark L. Means
15 Attorney Advocate for the Defendant
16 Mrs. Lori Daybell
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**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(s),

vs.

LORI NORENE VALLOW aka LORI NORENE
DAYBELL,

Defendant(s).

**DECLARATION OF
PERSONAL SERVICE**

Case Number:
CR22-20-0838/CR22-20-0755

I, **MerriLee Jorgensen**, hereby declare as follows: On **May 19, 2021 at 7:42 PM**, I Personally served a true and correct copy of the **Subpoena Duces Tecum**


in the above entitled matter upon: **Melanie Gibb** at: **1177 S Yellowstone Hwy. (Spring Hill Suites) , Rexburg, ID 83440.**

Comments: Melanie refused to take the subpoena from my hand so I advised her she had been served regardless and I left the subpoena anyway.

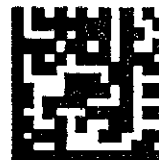
I am over the age of 18, a resident of the State of Idaho, I am not a party to or related to any of the parties in the above entitled action and I am a Process Server, in good standing, in the judicial district in which the process was served.

I declare under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Date: 21st day of May, 2021

X 
MerriLee Jorgensen

Bulldog Legal Support, Inc.
P.O. Box 176
Blackfoot, ID 83221-0176
208-782-3530
Our Job # 27465
Client File:



1 Mark L. Means (ISB 7530)
2 MEANS LAW and MEDIATION
3 Means Law Office, PLLC
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7 Facsimile: 1.866.228.3429
8 Email: mlm@means-law.com
9 Icourt Email: icourtlaw@gmail.com
10 Website: www.means-law.com
11 Attorney for LORI NORENE DAYBELL

12 **IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF**
13 **THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT**

14 STATE OF IDAHO,
15 PLAINTIFF

16 Case No: CR22-20-0838
17 CR22-20-0755

18 Vs.

19 **SUBPOENA DUCES TECUM**

20 LORI NORENE VALLOW,
21 AKA LORI NORENE DAYBELL
22 DEFENDANT

23 **THE STATE OF IDAHO TO:**
24 **Ms. MELANIE GIBB**

25 YOU ARE HEREBY COMMANDED to produce or permit inspection and copying of the
26 following documents, records, communications, images, videos, journals, reports, summaries,
or objects (all requested are to be produced regardless of current or previous form whether
that be tangible/intangible), including electronically stored information at the place, date and
time specified below:

27 **STATE OF IDAHO TO MS. MELANIE GIBB** to produce the following:

- 28 1. All communications, text, emails, voice mails, SMS messages, chat records, social
29 media communications, podcasts, recordings, and the like (tangible or intangible)
30 between you Ms. Melanie Gibb and the following Individuals, agencies,
31 departments, and the like from January 1, 2019 to Present:

- 1 a. Lori Vallow Daybell
- 2 b. Chad Daybell
- 3 c. Melani Pawlowski (formerly known as Melanie Boudreaux)
- 4 d. Ian Pawlowski
- 5 e. Zulema Pastenes
- 6 f. Summer Shiflet
- 7 g. April Raymond
- 8 h. Charles Vallow
- 9 i. Tylee Ryan
- 10 j. Jason Mow
- 11 k. Gabe Bonilla
- 12 l. Alex Cox
- 13 m. Zac Cox
- 14 n. Adam Cox
- 15 o. Colby Ryan
- 16 p. Tammy Daybell
- 17 q. Julie Rowe
- 18 r. Christopher Parrett
- 19 s. Michael James
- 20 t. Nancy James
- 21 u. Brandon Boudreaux
- 22 v. Thor Furuseth
- 23 w. Heather Daybell, spouse of Matthew Daybell
- 24 x. Matthew Daybell, spouse of Heather Daybell
- 25 y. Robert Wood, Prosecutor of Madison County, State of Idaho
- 26 z. Any and all News, Journalists, and or Reporters including but not limited to:
 - i. Nate Eaton, East Idaho News and or East Idaho News Agencies
 - ii. ABC
 - iii. NBC

- iv. Dateline
- v. MSNBC
- vi. Keith Morrison
- vii. Shane Bishop
- viii. Color My Media
- ix. Latter Day Media
- x. Preparing a People
- xi. Book of Mormon Evidence
- xii. The Firm Foundation
- xiii. Any and all media agencies, companies, corporations, regarding your dealings and the like with Lori Daybell and or Chad Daybell

aa. Deputies, Detectives, Police Officer(s), Prosecutors, and the like for the following Agencies:

- i. Rexburg Police Department, State of Idaho
- ii. Madison County Sheriff's Department, State of Idaho
- iii. Robert Wood, Prosecutor Madison County State of Idaho
- iv. Fremont County Sheriff's Department, State of Idaho
- v. St. Anthony (Idaho) Police Department
- vi. Federal Bureau of Investigation (FBI) Federal Agency
- vii. Fremont Prosecutor Office (State of Idaho)
- viii. Madison Prosecutor Office (State of Idaho)
- ix. Chandler Arizona Police Department/Sheriff Departments
- x. Gilbert Arizona Police Departments/Sheriff Departments
- xi. Please identify each and every location, date and time, and person(s) present for said communications whether in persons, telephonic, zoom, or the like.

2. Telephone Records for ALL telephone numbers owned or used by you from date above to present including but not limited to:

- a. Text Records

- 1 b. Telephone Call Records
- 2 c. Identify all telephone numbers you have used personally, professionally,
- 3 temporarily (aka "burner" telephones, or permanently in regard to
- 4 identified person(s) above.
- 5 d. Identify all telephone number/service providers.
- 6 e. Names, dates, and times of service provider for any and all telephone
- 7 number used by you as requested above. Please include and identify each, in
- 8 its entirety, the telephone numbers of all phones whether personal,
- 9 business, or "burner" telephone. In identifying each and every telephone
- 10 number please further identify the dates of use of said telephone/telephone
- 11 number and the telephone carrier or company providing telephone
- 12 service(s).
- 13 f. Travel Records for all travel (vehicle) and or airline flights between the dates
- 14 of January 1, 2018 to present:
- 15 i. All travel between Utah, Arizona, Idaho, and Hawaii
- 16 ii. Any other travel locations within the specified dates

17 3. Social Media:

- 18 a. All social media memberships or associations and forum site memberships,
- 19 usernames and password(s) associated with identified usernames, posts,
- 20 communications, chats, and or emails from date above to present including
- 21 not limited to:
- 22 1. Facebook
- 23 2. AVOW (Another Voice of Warning) Website
- 24 3. Yahoo! Groups (email list)
- 25 4. Twitter
- 26 5. Instagram
6. Any of the like
7. If you refuse to produce the password, please identify each
date of communications (and the like) associated with said

1 social media account and produce all accompanying
2 communications, statements, opinions, religious speech,
3 emails, chat records, etc.

4 4. Internet Provider: Please identify your internet provider, whether professional or
5 personal from dates above to present whether this be home, business, or the like.

6 5. COMPUTERS and or ELECTRONIC DEVICES: Please identify each and every
7 computer, laptop, desktop, tablet, iPad, cell telephone, wearable smart devices, or
8 the like you have used or owned since said date to present.

9 a. Please identify provider/seller or seller of said device.

10 b. Current location of said device if not in your personal possession. If device
11 was destroyed, sold, discarded please advise of purchase/acquisition date of
12 said device and date of destruction, sell, discarded, of said device.

13 c. If you sold or discarded an identified device, please identify what mechanism
14 of advertising was used by you or your agent and buyers contact
15 information, name, address, telephone number, email, and the like. If
16 discarded please identify the date and time of discarding identified device
17 and mechanism for discard.

18 d. PODCASTS: Produce all PODCAST and the like including all formally
19 shared/posted podcasts as well as all recorded materials, communications,
20 edits, recordings associated with identified podcasts/or the like in your
21 possession. If you are aware of the like and identified is not in your
22 possession, please identify your opinion or belief as to where identified
23 recording/podcast (material(s)) is located

24 i. Series – Feel the Fire Podcast

25 ii. Series – Time to Warrior Up Podcast

26 iii. Series – Preparing A People Podcast

e. Books, Publications, Appearances:

i. Feel the Fire – Book

ii. Preparing a People Events

- iii. Book of Mormon Evidence Events
- iv. Firm Foundation Events
- v. Or the like
- vi. If not in your possession, please identify where abouts of said documents and or records.
- vii. All communications between you and above individuals regarding creation of publications, books, articles, speeches, appearances, etc.

6. Any and all records, data, communications, calendars, event records, statement records, videos, photographs, books, speeches, talks, papers, documents, correspondence, notes, financial records, payments, transfer of monetary funds, between you and any and all person(s) identified above from said date(s).

7. All recordings as identified previously, of your misrepresentations to any and all police agencies and or the like from Jan. 1, 2017 to Present.

8. Copy of any and all police records regarding charges, convictions, plea agreements, immunity agreement(s) regarding your “involvement” in this matter.

PLACE, DATE and TIME:

PLACE: Means Law Office, PLLC
429 SW 5th Ave. Suite 110
Meridian, ID 83642

Telephone: 2087943111

Facsimile: 18662283429

Date: June 1, 2021

Time: 1:00 P.M.

If any of this subpoena is objected to be the served/obligatory party, it is hereby requested that any above that is unobjected to by served/obligatory party be responded to in timely manner as set out above without delay.

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You are further notified that if you fail to appear at the place and time specified above, or to produce or permit copying or inspection as specified above, that you may be held in contempt of Court and that the aggrieved party may recover from you the sum of \$100.00 and all damages which the party may sustain by your failure to comply with this subpoena.

DATED this 17 day of May 2021.

Mark L. Means
Mark L. Means

DATE: _____

TIME SERVED: _____

PLACE OF SERVICE: _____

PERSON OF SERVICE: _____
