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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.

**SUPPLEMENTAL DECLARATION IN SUPPORT  
OF MOTION TO COMPEL**

16 CHAD GUY DAYBELL and  
17 LORI NORENE VALLOW  
18 AKA LORI NORENE DAYBELL

19 COMES NOW DEFENDANT LORI NORENE VALLOW (DAYBELL), by and through her attorney of  
20 Record, Mark L. Means of Means Law Office, PLLC, and pursuant to Idaho Criminal Rule 16. Discovery  
21 and Inspection subsection (f) and further moves this Court for an order compelling and granting  
22 sanctions against the state, the State to provide full and complete responses to said DEFENDANT's  
23 Specific Request of Discovery Pursuant to Idaho Criminal Rule 16 which was served upon the State on or  
24 about May 27, 2021.<sup>1</sup> Subject to said rule, the State had an obligation to provide full and complete  
25 written response within fourteen (14) days from date of service. State provided the attached responses  
26 which are wholly inadequate and state compliance in July 2021. No extension was requested by the  
State nor granted by this office.<sup>2</sup>

ICR 16 (f)(2) states failure to comply with ICR 16(f) "...constitutes a waiver of any objection to  
the requests and is grounds for the imposition of sanctions by the Court."<sup>3</sup>

<sup>1</sup> Please see previously filed and Granted Motion to Compel.

<sup>2</sup> Prosecution has conducted press conference stating their working on the case for over a year, told Ms. Summer Shiflet they were bringing murder charges back in Oct. 2020. Now they requests more time for discovery.

<sup>3</sup> See ICR 16 Subsection (f). Furthermore, the reminder to the Court that responses to this Discovery Requests (subject to the First Motion to Compel) were required prior to the hearing to disqualify the special prosecutor and

1 In Paragraph 4) of the 5/27/21 responses the State says, "Defense counsel can inspect and copy  
2 or photograph the items of materials described in Idaho Criminal Rule 16(b)(4) by simply making prior  
3 arrangements with the Fremont County Prosecutor's Office, the Madison County Prosecutor, or the Law  
4 Enforcement Agency holding such items or evidence." On or about June 18, 2021, by way of filing with  
5 the Icourt System (formal notice of intent to inspect and copy or photograph the discovery documents)  
6 and by email to the Prosecuting Attorney's for Fremont and Madison (on said day<sup>4</sup>) Defense Counsel  
7 provided notice of intent to effectuate Paragraph 4) to occur on June 21, 2021, at 10:00 am at the  
8 Fremont Prosecutor's office.

9 On June 21, 2021, having not received any email, phone call, or the like, that this notice was not  
10 adequate, Defense Counsel awoke at 4:00 am and travelled to Fremont to ensure he was timely in  
11 respect to the employees of the Fremont Court system and to allow plenty of time for transfer of  
12 records/materials to the newly purchased hard drive (purchased by Defense Counsel). Counsel arrived  
13 at 10:00 am and was greeted by the receptionist. Counsel introduced himself and requested the  
14 materials be made available to allow for copies, etc. Secretary then had an assistant/legal  
15 assistant/paralegal telephone Prosecuting Attorney Blake. After one voice message left for Attorney  
16 Blake, Blake called back with apparent instructions that they would provide responses in July and  
17 provide their own hard drive. Prior to this statement that morning, this was not communicated as the  
18 only attempted method of Discovery compliance.

19 After Defense Counsel express a bit of frustration at lack of communication and requested again  
20 the records/material be provided that day the Deputy District Attorney came out of her office graciously  
21 introduced herself and said everything had been produced in the "other" case (Fremont Conspiracy Case  
22 against Defendant Lori Daybell) with the exception they were awaiting records from the Attorney  
23 General's Office. I reiterated the previous multiple statements of Mr. Wood back in Oct. of 2020 where  
24 he said he had "murder" evidence and would not turn it over at that time. I stated, "you have not even  
25 provided the autopsy of Ms. Daybell." I was told it was "not relevant to Lori's case." Obviously, I  
26 disagree and stated you have not even provided that to Mr. Prior so there is no way you have provided  
"everything" in your possession with the exception of the Attorney General materials.

Again, I was assured that all evidence had been turned over with the exception of items to be  
produced by the Attorney General. I said I was going to see my client as result of no production at that

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were blatantly ignored by said Prosecutor to further obstruct evidence of  
misconduct.

<sup>4</sup> See attached emails)

1 time. That would be back in two (2) hours and would like to receive what is available to date and not  
2 previously produced. At noon I called Fremont County Prosecutor's office and was instructed to call  
3 Attorney Blake. At about 12:15 I called Attorney Blake and left a message requesting a call back asap to  
4 discuss the matter that I was going to wait for her return phone call. After being denied the materials  
5 and waiting until approximately 2:00 pm for a call from Blake, I began the five-hour drive home. To date  
6 no response or communications.

7 As result of the discovery requests notice above, my notice, failure of any communications by  
8 the Prosecuting Office, my office incurred eleven and one half (11.5 at \$325 an hour) hours of legal fees  
9 (minus two hours to meet with client, which was not going to happen if production by prosecution had  
10 occurred), 728 miles (.58) (round trip) of travel, and a purchase of hard drive day before to effectuate  
11 transfer/production (\$186.32). Total costs and fees of \$422.24 mileage + \$3737.50 + \$186.32 =  
12 \$4346.06. These fees and costs would not have been incurred, unnecessarily, if State had complied with  
13 the above rules of law, provided notice and or responses to reschedule, etc. The refusal to comply with  
14 the Idaho Rules of Criminal Procedure, bad faith, and lack professionalism is shocking.

15 **WHEREFORE said DEFENDANT request this Court order the following:**

- 16 1. Defendant requests a hearing on this matter as soon as the Court is available.
- 17 2. That Defendant further provides notice of reservation of rights regarding this matter  
18 including but not limited to requests for dismissal, brady violation motion, sanctions, etc.
- 19 3. PLAINTIFF be ordered to provide full and complete responses in an expedited manner.
- 20 4. PLAINTIFF be imposed with sanctions by this Court for costs, fees, and other appropriate  
21 sanctions including as the Court seems fit, but not limited to a dismissal of this matter.

22 **That I Certify (or declare) under penalty of perjury pursuant to the Law of the State of Idaho**  
23 **that the foregoing is true and correct.**

24 DATED this 22 day of June 2021.

25 *M.L. Means*

26 \_\_\_\_\_  
Mark L. Means  
Advocate for Mrs. Lori Norene Daybell

1 CERTIFICATE OF SERVICE: I hereby certify that the above aforementioned document  
2 was served as identified below DATED this 22 day of June 2021.

3 Lindsey A. Blake x\_\_\_\_Email  
4 Office of the Fremont County  
5 Prosecuting Attorney  
6 22 W. 1<sup>st</sup>. N.  
7 St. Anthony, ID 83445  
8 Telephone: 208.624.4418  
9 Service email: [prosecutor@co.fremont.id.us](mailto:prosecutor@co.fremont.id.us)

10 Robert Wood x\_\_\_\_Email  
11 Office of the Madison County  
12 Prosecuting Attorney  
13 Service email: [mcpo@madison.id.us](mailto:mcpo@madison.id.us)

14 DATED this 22 day of June 2021.

15 By Mark L. Means  
16 Mark L. Means  
17 Attorney

**meanslawoffice@gmail.com**

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**From:** meanslawoffice@gmail.com  
**Sent:** Friday, June 18, 2021 3:28 PM  
**To:** 'Robert Wood'; 'John Prior'  
**Cc:** meanslawoffice@gmail.com; prosecutor@co.fremont.id.us  
**Subject:** Notice and Motion  
**Attachments:** Mtn to Compel with Exhibits - Daybell.pdf

Please see attached motion and notice.

**meanslawoffice@gmail.com**

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**From:** meanslawoffice@gmail.com  
**Sent:** Friday, June 18, 2021 3:30 PM  
**To:** prosecutor@co.fremont.id.us  
**Cc:** meanslawoffice@gmail.com  
**Subject:** FW: Notice and Motion  
**Attachments:** Mtn to Compel with Exhibits - Daybell.pdf

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**From:** meanslawoffice@gmail.com <meanslawoffice@gmail.com>  
**Sent:** Friday, June 18, 2021 3:28 PM  
**To:** 'Robert Wood' <rwood@co.madison.id.us>; 'John Prior' <john@jpriorlaw.com>  
**Cc:** meanslawoffice@gmail.com; prosecutor@co.fremont.id.us  
**Subject:** Notice and Motion

Please see attached motion and notice.