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10 Attorney for LORI NORENE DAYBELL

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

13 STATE OF IDAHO,  
14 PLAINTIFF

15 Vs.

16 LORI NORENE VALLOW,  
17 AKA LORI NORENE DAYBELL  
18 DEFENDANT

Case No: CR 33-20-0302

**DECLARED RESPONSE TO OBJECTION TO  
MOTION FOR DISQUALIFICATION AND  
ALTERNATIVELY DECLARED MOTION TO  
DISQUALIFY FOR CAUSE**

19 The Defendant, Lori Norene Vallow AKA Lori Norene Daybell, by and through her  
20 attorney of record, Mark L. Means of Means Law and Mediation, and provides in response to  
21 Objection: Idaho Criminal Rule 25 (2) allows for the motion for disqualification for “without  
22 cause to be filed with the court within seven days AFTER service of a written notice setting ...  
23 hearing on first contested motion.”<sup>1</sup>

24 **MOTION FOR DISQUALIFICATION MOTION FOR DISQUALIFICATION FOR CAUSE UNDER**  
25 **IDAHO CRIMINAL RULE 25** as follows: The Defendant, by way of her attorney, Mark L. Means  
26 moves to disqualify the Honorable Faren Eddins, Magistrate Judge, for cause pursuant to Idaho  
Criminal Rule 25(b). Idaho Criminal Rule 25(b)(4) provides that any party to a case may

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<sup>1</sup> Idaho Criminal Rule 25.

1 disqualify a judge for cause if “the judge is biased or prejudiced for or against any party or that  
2 party's case.” Judge Eddins is currently presiding over the child protection action (civil action)  
3 which corresponds with the charges alleged against the Defendant in the above-referenced  
4 case. This poses a conflict and/or unfair prejudice with respect to the Defendant’s right to fair  
5 proceedings, 5<sup>th</sup> amendment and any rulings made therein.  
6

7 Therefore, the Defendant respectfully requests the Honorable Faren Eddins grant this  
8 motion and enter an order for disqualification. This motion is further supported by this declared  
9 motion.  
10

11 DATED this 12 day of March 2020.

12 *Mark L. Means*  
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14 Mr. Mark L. Means  
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1 **CERTIFICATE OF SERVICE**

2 The undersigned certifies that on this 12 day of March 2020, I caused a true  
3 and correct copy of the FOREGOING document to be forwarded by the method(s) indicated  
4 below, to the following:

5 MADISON COUNTY PROSECUTING OFFICE x        Efile  
6 159 E. Main St.  
7 P.O. Box 350  
8 Rexburg, ID 83440  
9 Email: [rwood@co.madison.id.us](mailto:rwood@co.madison.id.us)

10 DATED this 12 day of March 2020.

11 By Mark L. Means  
12 Mr. Mark L. Means  
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