

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

STATE OF IDAHO

Case No. CR22-21-1624

Plaintiff,

**ORDER**

v.

LORI NORENE VALLOW aka LORI  
NORENE VALLOW DAYBELL,

Defendants.

**I. STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

On May 24, 2021, a Fremont County Grand Jury returned an indictment charging Defendants Chad Guy Daybell and Lori Norene Vallow, aka Lori Norene Vallow Daybell, with multiple crimes including conspiracy to commit first degree murder and first degree murder.

On May 27, 2021, this Court entered an order staying the Defendant's case pursuant to I.C. § 18-212 on the basis that the Defendant had been deemed incompetent, and subsequently ordered her to receive restoration treatment and care. On June 28, 2021, Mark Means, counsel for Defendant at that time, filed a Motion to Transfer Trial but pursuant to the stay of the case the motion was never noticed for hearing. On August 6, 2021, this Court entered an order clarifying that "[f]or purposes of conducting a jury trial, the cases State of Idaho v. Chad Guy Daybell, CR22-21-1623; and State of Idaho v. Lori Norene Vallow Daybell, CR22-21-1624; are currently joined." (emphasis added).

During the time this case was stayed, on July 7, 2021, alleged co-conspirator Chad Guy



Daybell filed a motion to change venue, which was argued on October 5, 2021. On October 8, 2021, the Court issued a Memorandum Decision and Order and granted the motion, recommending a transfer of the trial to Ada County. On October 21, 2021, The Idaho Supreme Court entered an Order into Case No. CR22-21-1623 ordering the case to be transferred for purposes of trial only.

On April 11, 2022, this Court entered an order lifting the stay of the case after determining that the Defendant had been restored to competency. On April 19, 2022, the Defendant was arraigned on the charges filed in the indictment entered May 25, 2021.

During an April 19, 2022 hearing in Fremont County Case No. CR22-21-1623 on the State of Idaho's motion to reconsider the Court's prior decision to transfer the trial from Fremont County to Ada County, James Archibald, in his capacity as appointed counsel for Defendant, was asked to advise the Court regarding the previously filed motion to transfer trial and to clarify the Defendant's position on the transfer of trial. Mr. Archibald addressed the Court and represented that the Defendant stated her express position was to have the jury selection and jury trial held in Ada County. Accordingly, the Defendant renewed her motion to transfer trial and joined in the objection to the State's motion to reconsider the issue.<sup>1 2</sup>

## **II. LEGAL STANDARD**

A defendant's constitutional right to a fair trial and to an impartial jury are granted by the Sixth Amendment of the Constitution of the United States and Article I §§ 7 and 13 of the Idaho State Constitution. Idaho Criminal Rule 21(a) directs a court to consider ordering a transfer of trial when: "For Prejudice. On motion of either party, the court must transfer the proceeding to another

---

<sup>1</sup> The rationale set forth for granting the transfer of trial on Defendant Chad Guy Daybell's motion to change venue as set forth in the MEMORANDUM DECISION AND ORDER entered October 8, 2021, in Fremont County Case CR22-21-1623 is incorporated here by reference pursuant to I.R.E. 201.

<sup>2</sup> See CR22-21-1623. MINUTES. April 19, 2022.



county if the court is satisfied that a fair and impartial trial cannot be had in the county where the case is pending.” I.C. § 19-1801 states: “Grounds for removal. A criminal action, prosecuted by indictment, may be removed from the court in which it is pending, on the application of the defendant, on the ground that a fair and impartial trial cannot be had in the county where the indictment is pending.”<sup>3</sup> Several Idaho Cases have addressed the issue of transfer of trial:

A motion to change venue is addressed to the discretion of the trial court. *State v. Winn*, 121 Idaho 850, 856, 828 P.2d 879, 885 (1992); *State v. Needs*, 99 Idaho 883, 591 P.2d 130 (1979). The validity of a court’s decision to try a case in a particular venue is tested by whether, in the totality of existing circumstances, juror exposure to pretrial publicity resulted in a trial that was not fundamentally fair. *State v. Hyde*, 127 Idaho 140, 145, 898 P.2d 71, 76 (Ct.App. 1995).

*State v. Yager*, 139 Idaho 680, 687, 85 P.3d 656,663 (2004).

### **III. CONCLUSION AND ORDER**

As noted above, this issue was previously determined on the merits after a full hearing in the companion case (CR22-21-1623). As a companion case involving co-conspirators, this Court further holds that the issues previously determined on the issue of transfer of the trial mirror those in this case, and the Court herein adopts those findings and conclusions as they relate to this case. The order of this Court in this case is to transfer trial out of the Seventh Judicial District pursuant to I.C.R. 21(a). Pursuant to I.C.R. 21(c)(2)(A), this Court recommends that it (Judge Boyce) continue the assignment over the case and the case be tried together in Ada County with Case CR22-21-1623, to begin January 9, 2023.

---

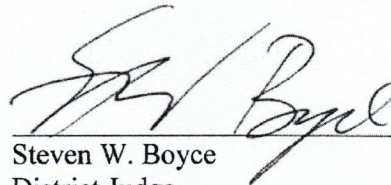
<sup>3</sup> The Court notes that I.C.R. 21 is a rule under Title V of the Criminal Rules, “Venue” but to clarify, I.C.R. 21 relates to a transfer of trial. While caselaw and the pleadings make reference to a “change of venue” in the context of I.C.R. 21, the actual issue of venue under I.C.R. is not at issue, nor is it being considered by the Court in this decision.



Accordingly, this Court requests the Idaho Supreme Court to enter an Order into this case ordering the transfer of trial for the reasons stated herein.

**IT IS SO ORDERED.**

Dated this 21 day of June, 2022.

  
Steven W. Boyce  
District Judge

### CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of June, 2022, the foregoing Order was entered and a true and correct copy was served upon the parties listed below by mailing, with the correct postage thereon, or by causing the same to be delivered to their courthouse boxes; by causing the same to be hand-delivered, by facsimile, or by e-mail.

**Parties Served:**

Lindsey Blake  
prosecutor@co.fremont.id.us

Robert H. Wood  
mcpo@co.madison.id.us

Rachel Smith  
smithlawconsulting@outlook.com  
*Attorneys for State of Idaho*

Jim Archibald  
Jimarchibald21@gmail.com

John Thomas  
jthomas@co.bonneville.id.us  
*Attorneys for Defendant*

Clerk of the District Court  
Fremont County, Idaho

by Becky Harnagel  
Deputy Clerk