

**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

**ORDER**

On July 30, 2022, the Court received three (3) motions from proposed intervenor and movant, Lori Hellis ("Hellis"), appearing pro se: (1) MOTION TO INTERVENE; (2) MOTION FOR INJUNCTIVE RELIEF; and (3) MOTION TO UNSEAL ALL DOCUMENTS AND TRANSCRIPTS OR RECORDINGS OF PAST HEARINGS. Hellis supported her motions with memoranda and a DECLARATION IN SUPPORT OF MOTION TO INTERVENE AND MOTION TO UNSEAL AND MOTION FOR INJUNCTIVE RELIEF.

The record indicates that Hellis is pro se. In Idaho, pro se litigants are held to the same standards as attorneys. *Huff v. Singleton*, 143 Idaho 498, 500, 148 P.3d 1244, 1246 (2006); *Everhart v. Washington County Road & Bridge Dep't*, 130 Idaho 273, 275, 939 P.2d 849, 851 (1997); *Schneider v. Curry*, 106 Idaho 264, 267, 678 P.2d 56, 59 (Ct.App.1984).<sup>1</sup>

Motion to Intervene

In the MOTION TO INTERVENE, Hellis cites to Idaho Rule of Civil Procedure 24 and Idaho Court Administrative Rule 32 as the authority to intervene into a criminal case. In addition, Hellis

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<sup>1</sup> Hellis' motions and pleadings supporting the motions each fail to conform with Idaho Criminal Rule 2.3(a)(4), which sets forth the form of pleadings required in the State of Idaho. Nonetheless, in the interest of judicial efficiency, the Court herein addresses these pleadings but will reject any future pleadings that do not comply with those basic and mandatory pleading requirements.

claims standing due to her status as “a media member” and “credentialed author.”<sup>2</sup> As more fully explained herein, the Court finds the motion is both procedurally and substantively improper.

Intervention may occur in civil, not criminal, proceedings, as indicated by both the absence of a corresponding criminal intervention rule and as determined by Idaho caselaw:

We agree with the Court of Appeals. The only parties to a criminal action are the State and the defendant. I.C. § 19-104 (“A criminal action is prosecuted in the name of the state of Idaho, as a party, against the person charged with the offense.”). “As a crime victim is not a party to a criminal case, the victim cannot intervene in a defendant's criminal proceeding because, unlike Idaho Rule of Civil Procedure 24, the Idaho Rules of Criminal Procedure do not provide a process for intervention.” *Johnson*, 167 Idaho at 458, 470 P.3d at 1267. “**The inability of non-parties to intervene in a criminal case** recognizes that the considerations underlying intervention in a civil case are not applicable to a criminal proceeding.” *Id.*

*State v. Poe*, 170 Idaho 94, 506 P.3d 897, 903 (2022) (emphasis added).

Accordingly, the rules of civil procedure provide no mechanism for non-parties to intervene in criminal cases and, on that basis alone the MOTION TO INTERVENE under I.R.C.P. 24 must be denied.

Addressing *Hellis*' motion to intervene under I.C.A.R. 32, the Idaho Court Administrative Rules (“I.C.A.R.”) provide the public with access to “the judicial department’s declarations of law and public policy, and to access the records of all proceedings open to the public.” I.C.A.R. 32(a). The purpose of I.C.A.R. 32(a) is to promulgate rules and regulations to control access to court records, and to establish the procedural requirements for both the public and the judiciary when individuals seek to access court records. The rule contemplates public access in a manner that:

- (1) Promotes accessibility to court records;
- (2) Supports the role of the judiciary;
- (3) Promotes governmental accountability;

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<sup>2</sup> DECL. ISO MOTS. ¶ 2. July 30, 2022.



- (4) Contributes to public safety;
- (5) Minimizes the risk of injury to individuals;
- (6) Protects individual privacy rights and interests;
- (7) Protects proprietary business information;
- (8) Minimizes reluctance to use the court system;
- (9) Makes the most effective use of court and clerk of court staff;
- (10) Provides excellent customer service; and
- (11) Avoids unduly burdening the ongoing business of the judiciary.

I.C.A.R. 32(a)(1-11).

Hellis cites to I.C.A.R. 32 generally and sets forth no specific subsection of the rule that would allow her to intervene in a criminal case “for the limited purpose of challenging the court’s decisions to close hearings and seal documents and, in general, limit media access to the court records and proceedings in this matter.”<sup>3</sup> The Court finds Hellis’ request as pled fails to honor many of the policies set forth in I.C.A.R. 32, which includes providing express procedures for the public to obtain court records that “makes the most effective use of court and clerk of court staff” and “avoids unduly burdening the ongoing business of the judiciary.” See I.C.A.R. 32(a)(9); I.C.A.R. 32(a)(11). To be clear, I.C.A.R. 32 does not permit intervention in this case, and for that additional reason, the MOTION TO INTERVENE under I.R.C.P. 24 and I.C.A.R. 32 is DENIED.

#### Motion for Injunctive Relief

Hellis’ second motion is a MOTION FOR INJUNCTIVE RELIEF. The Court first notes that even if Hellis were a party in this case, a demonstration of standing is a prerequisite for obtaining any such relief. “In order to have standing to seek injunctive relief, a plaintiff must demonstrate a

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<sup>3</sup> MOTION TO INTERVENE. July 30, 2022.



likelihood of repeated injury or future harm to the plaintiff in the absence of the injunction. *See City of Los Angeles v. Lyons*, 461 U.S. 95, 102–03, 103 S.Ct. 1660, 1665, 75 L.Ed.2d 675, 684–85 (1983).” *Tucker v. State*, 162 Idaho 11, 19, 394 P.3d 54, 62 (2017). The motion fails to set forth any facts supporting a finding of standing.

Further, Hellis styles herself as “Intervenor” in the motion, but as set forth above she has no right to intervene in this criminal case. As a non-party, and having failed to assert specific facts, the Court determines that Hellis lacks the prerequisite standing to pursue any such injunctive relief as prayed for in the pleading. Therefore, the MOTION FOR INJUNCTIVE RELIEF is DENIED.

Motion to Unseal All Documents and Transcripts or Recordings of Past Hearings

Hellis’ third motion seeks “an order requiring the court to review all sealed records and recordings of hearings and properly redact all statutorily protected information before unsealing all documents and recordings of proceedings in the court records.”<sup>4</sup>

Again, Hellis styles herself as “Intervenor” in the motion. Having determined that Hellis has no right to intervene, her status here is that of a non-party movant. In the DECLARATION IN SUPPORT OF [the motions], Hellis cites to I.C.A.R. 31 as requiring “that the public and the media be permitted access to court records and proceedings subject to certain limited exceptions.”

<sup>5</sup> Upon review of I.C.A.R. 31, the Court finds it inapplicable to the request and improperly relied upon by Hellis in her declaration in support of the motion, as that rule merely describes Idaho record-keeping procedures.

Next, Hellis asserts that Idaho law recognizes the legal standing of the media to *intervene* in court matters for the reasons she stated in her other motions. Hellis fails to cite any authority or case law supporting that assertion. To the contrary, the Court is aware of no rule or precedent

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<sup>4</sup> MOTION TO UNSEAL ALL DOCUMENTS AND TRANSCRIPTS OR RECORDINGS OF PAST HEARINGS. July 30, 2022.

<sup>5</sup> DECL. ISO MOTS. ¶4. July 30, 2022.



conferring standing in a criminal case based only on status as a “media member.” Hellis filed a MEMORANDUM IN SUPPORT contemporaneously with her motions. The Court has reviewed the memorandum and recognizes that Hellis therein correctly identifies the applicable rule, I.C.A.R. 32, to make a request for the Court to “disclose, redact, seal or unseal a part of all of the records in any judicial proceeding”, not as an *intervenor*, but as “any person” contemplated by Rule 32. As a non-party movant here, Hellis does hold the status of “any person.”

The Court has considered that I.C.A.R. 32 permits the public, as expressly set forth under the rule, “to examine and copy the records of all proceedings **open to the public.**” I.C.A.R. 32(a) (emphasis added). Hellis’ motion is a request to unseal records previously sealed in two separate criminal cases, CR22-21-1623 and CR22-21-1624, many of which relate to proceedings not open to the public. Additionally, all of Hellis’ pleadings refer to the two separate cases in single pleadings.

On August 6, 2021, this Court entered a public ORDER (“ORDER”) in this case directing that “all subsequent pleadings” in the case be filed “captioning only that individual Defendant’s respective case number and name.” While the ORDER is expressly directed to “Counsel,” the intention of the Court extends to “any person” attempting to file pleadings in either case contemplated in the ORDER, in order to maintain a consistent, orderly administration of the cases. The Court has reviewed Hellis’ motion and finds it does not comply with the ORDER.<sup>6</sup>

However; should Hellis desire, she may comply with the ORDER, and I.C.R. 2.3(a)(4), and re-file the motion (or motions) requesting the unsealing of records, at which time they will be considered by the Court. If refiled, the Court directs Hellis to identify with specificity which records, transcripts, or hearings are requested to be unsealed as they relate to each distinct case.

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<sup>6</sup> The Court recognizes that Counsel have at times failed to comply with the ORDER as well and admonishes anyone filing pleadings in these cases to comply with that ORDER.



Further, upon refile of separate motions, the Court will thereafter designate interested parties in each individual case. See I.C.A.R. 32(i)(1). Upon the Court's designation of interested parties, Hellis must thereafter provide proper notice to all interested parties pursuant to I.C.A.R. 32(i)(1). Upon certification that proper notice has been provided, the Court will then schedule a hearing on the request to unseal records in accordance with the rule, and in order to satisfy due process and allow all designated interested parties an opportunity to respond to the requests.

For those reasons, the MOTION TO UNSEAL is DENIED without prejudice.

Accordingly, it is hereby ordered:

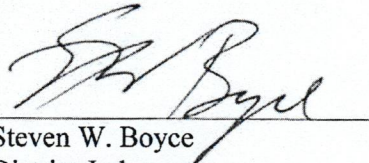
Hellis' MOTION TO INTERVENE is DENIED.

Hellis' MOTION FOR INJUNCTIVE RELIEF is DENIED.

Hellis' MOTION TO UNSEAL is DENIED, without prejudice.

**IT IS SO ORDERED.**

Dated this 18 day of August, 2022.

  
Steven W. Boyce  
District Judge

### CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of August, 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:

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Clerk of the District Court  
Fremont County, Idaho

by Becky Hamaguchi  
Deputy Clerk