

Craig H. Durham
FERGUSON DURHAM, PLLC
223 N. 6th Street, Suite 325
Boise, Idaho 83702
T: (208) 724-2617
F: (208) 906-8663
chd@fergusondurham.com
ISB No. 6428

Attorney for Defendant

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

<p>STATE OF IDAHO, Plaintiff/Respondent, vs. LORI NORENE VALLOW aka LORI NORENE DAYBELL, Defendant/Appellant.</p>	<p>Case No. CR22-21-1624</p> <p>AMENDED NOTICE OF APPEAL</p>
---	--

TO: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO, AND THE PARTY'S
ATTORNEYS, LINDSEY A. BLAKE, FREMONT COUNTY PROSECUTING ATTORNEY,
22 W. 1ST NORTH, ST. ANTHONY, IDAHO, 83445, AND ROBERT H. WOOD, MADISON
COUNTY PROSECUTING ATTORNEY, 159 E. MAIN ST., REXBURG, IDAHO, 83440,
AND THE CLERK OF THE ABOVE-ENTITLED COURT:

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant, Lori Norene Vallow aka Lori Norene Daybell, appeals against the above-named respondent to the Idaho Supreme Court from the Judgment of Conviction entered on August 2, 2023, Honorable Steven W. Boyce, presiding.

2. The party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to Rule 11(c)(1-9), Idaho Appellate Rules (I.A.R.).

3. A preliminary statement of the issues on appeal which the appellant then intends to assert in the appeal; provided, any such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal:

(a) Did the court err in its order dated April 11, 2022, wherein the court found that the defendant, after spending 10 months in a mental hospital, was competent to stand trial?

(b) Did the court err in its order dated November 15, 2022, wherein the court denied the defense experts' requests to send the defendant back to the mental hospital rather than proceed to trial?

(c) Was the defendant's constitutional and statutory right to a speedy trial violated by the government's repeated requests for a continuance?

(d) Was the defendant's constitutional and statutory right to a speedy trial violated by the court's trial setting?

(e) Did the court err in denying defense challenges for cause of trial jurors due to bias or hardship during jury selection?

(f) Did the government commit fundamental reversible error in its opening statement to the jury?

(g) Did the court err in allowing the government to produce evidence of other crimes or acts against the defendant under Rule 404(b), Idaho Rules of Evidence?

(h) Did the court err in allowing the government to exceed the scope of its order regarding other crimes or acts against the defendant under Rule 404(b), Idaho Rules of Evidence?

(i) Did the court err in allowing the government to amend the grand jury indictment two years after the indictment was filed without sending the case back to the grand jury?

(j) Did the court err in allowing the jury to hear statements of co-conspirators, but then rule in jury instructions that the government need not prove those persons were part of the conspiracy?

(k) When the grand jury indictment puts the defendant on notice that she is charged with a conspiracy involving five or more people, can the trial court ignore that finding and instead proceed with standard conspiracy jury instructions?

(l) Did the government commit fundamental reversible error in its closing statement to the jury?

(m) Did the court err when it granted, without a hearing, the government's objection to the defense request for the court to review all mitigation evidence submitted by the defense for sentencing?

(n) Should a new sentencing hearing be held due to the sentencing court not reviewing all mitigation evidence submitted by the defense?

(o) Did the sentencing court abuse its discretion by ordering the defendant to serve three consecutive fixed life sentences without parole?

(p) Did the sentencing court abuse its discretion when it ordered the defendant, who had been found indigent, qualified for a public defender, and had just been ordered to serve life in prison without parole, to pay \$165,018.00 in fines and court costs?

4. There is a portion of the record that is sealed, including all the mental health reports of the defendant and the presentence report. The appellant requests that all sealed and confidential filings be included in the Clerk's Record, yet compiled separately in a confidential volume.

5. The appellant requests the preparation of the entire reporter's standard transcript as defined in I.A.R. 25(d). The appellant also requests the preparation of additional portions of the reporter's transcript to include (no estimated pages are on the register of actions):

- (a) Initial Appearance 5/26/2021 – Amy Bland
- (b) Status Conference 8/30/2021 – Mary Ann Elliott
- (c) Status Conference 9/8/2021 – No Court Reporter – Audio Recorded
- (d) Status Conference 9/15/2021 – Amy Bland
- (e) Status Conference 9/16/2021 – Amy Bland
- (f) Status Conference 10/21/2021 – Amy Bland
- (g) Motion Hearing 12/29/2021 10:00 a.m. and 10:30 a.m. – Amy Bland
- (h) Motion Hearing 1/05/2022 – Mary Ann Elliott
- (i) Status Conference 2/11/2022 – Amy Bland
- (j) Motion Hearing 3/11/2022 – Amy Bland
- (k) Scheduling Conference 3/21/2022 – Jack Fuller
- (l) Status Conference 4/7/2022 – Amy Bland
- (m) Arraignment 4/19/2022 – Jack Fuller
- (n) Motion Hearing 5/19/2022 – Mary Fox

- (o) Motion Hearing 8/16/2022 – Amy Bland
- (p) Motion Hearing 9/15/2022 – Mary Fox
- (q) Status Conference 10/5/2022 – No Court Reporter – Audio Recorded
- (r) Status Conference 10/26/2022 – No Court Reporter - Audio Recorded
- (s) Motion to Compel 10/28/2022 – No Court Reporter – Audio Recorded
- (t) Competency Evaluation Review 11/9/2022 – Jack Fuller
- (u) Motion Hearing 12/8/2022 – Patti Bath
- (v) Motion Hearing 1/19/2023 – Patti Bath
- (w) Review Hearing 1/31/2023 - Patti Bath
- (x) Motion Hearing 2/9/2023 - Patti Bath
- (y) Motion Hearing 2/16/2023 - Patti Bath
- (z) Oral Decision 2/22/2023 - Patti Bath
- (aa) Pretrial Conference 2/23/2023 - Patti Bath
- (bb) Status Conference 2/27/2023 - Patti Bath
- (cc) Status Conference 3/2/2023 - Patti Bath
- (dd) Motion Hearing 3/15/2023 - Patti Bath
- (ee) Oral Decision 3/21/2023 - Patti Bath
- (ff) Jury Trial 4/3/2023 - Patti Bath, Christine Smith & Tiffany Fisher
- (gg) Motion Hearing 6/15/2023 - Patti Bath
- (hh) Motion Hearing 7/26/2023 - Patti Bath
- (ii) Sentencing 7/31/2023 - PattiBath

6. The appellant requests all documents filed in the trial court file to be included in the Clerk's Record on appeal, including all sealed and confidential filings to be included separately in a confidential and sealed volume. *See, e.g.*, I.A.R. 28(b)(2)(O).

7. I certify:

(a) that a copy of this notice of appeal has been served on the court reporter.

(b) that the appellant is exempt from paying the estimated transcript fee because the appellant is indigent.

(c) that there is no appellate filing fee since this is an appeal in a criminal case.

(d) that service has been made upon all parties required to be served pursuant to Rule 20, I.A.R.

Dated: October 4, 2023.

/s/Craig H. Durham
Craig H. Durham
Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that on this day I served a true and correct copy of the foregoing document on the following by the method of delivery indicated:

Lindsey A. Blake, Esq.	Efile and serve Prosecuting Attorney
Robert H. Wood, Esq.	Efile and serve Prosecuting Attorney
Patti Bath Court Reporter	pbath@co.madison.id.us
Amy Bland Court Reporter	abland@co.bonneville.id.us
Mary Fox Court Reporter	mfox@co.bonneville.id.us
Mary Ann Elliott Court Reporter	elliottcourtreporting@gmail.com
Jack Fuller Court Reporter	jfuller@co.bonneville.id.us
Christine Smith Court Reporter	csmith@adacounty.id.gov
Tiffany Fisher Court Reporter	tiff.fisher.csr@gmail.com

Dated: October 4, 2023

/s/Craig H. Durham
Craig H. Durham