

1 Mark L. Means (ISB 7530)  
2 MEANS LAW and MEDIATION  
3 MEANS-LAW  
4 429 SW 5<sup>th</sup> Ave, Suite 110  
5 Meridian, ID 83642  
6 Telephone: 208.794.3111  
7 Facsimile: 1.866.228.3429  
8 Email: [mlm@means-law.com](mailto:mlm@means-law.com)  
9 Icourt Email: [icourtlaw@gmail.com](mailto:icourtlaw@gmail.com) & [mlm@means-law.com](mailto:mlm@means-law.com)  
10 Website: [www.means-law.com](http://www.means-law.com)  
11 Attorney for LORI NORENE (DAYBELL) VALLOW

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

9 STATE OF IDAHO,  
10 PLAINTIFF

11 Vs.

12 LORI NORENE DAYBELL,  
13 CHAD GUY DAYBELL  
14 DEFENDANTS

Case No: CR22-20-0838  
CR22-20-0755

**DECLARED MOTION TO OPPOSE USE OF  
DNA**

**DECLARED MOTION TO PRESERVE DNA  
SAMPLES**

**DECLARED MOTION FOR PHOTOGRAPHIC  
RECORDING(S) of SEROLOGY SAMPLES and  
OTHER VISUAL TESTS**

**DECLARED MOTION TO REVIEW LAB  
RECORDS**

**DECLARED MOTION FOR INSTRUCTIONS TO  
PROSECUTOR REGARDING IMPROPER EX  
PARTE COMMUNICATION(S) WITH THE  
COURT**

22 COMES NOW DEFENDANT Lori Norene Daybell, by and through her Attorney Mark L.  
23 Means of Means Law Office, PLLC, and move this COURT as follows:  
24  
25 Defendant hereby joins in the Motion filed by Defendant Mr. Chad Daybell, by his  
26 attorney Mr. John Prior.

1 That attach is a true and correct copy of "midnight" correspondence to counsel from  
2 Prosecutor in this matter. As well as true and correct copy of the email sent from Prosecutor  
3 Wood which was "CC" to the Court directly. Counsel has previously requested that this  
4 Prosecutor cease all "CC" information with the Court as that is improper is a form of ex parte  
5 communications and the like. This continual improper communication places this Court in an  
6 awkward situation, unnecessarily, by said Prosecutor.<sup>1</sup> It appears the Prosecutor is attempting a  
7 "back door" communications method to potentially protect himself from a Brady Violation  
8 finding of this Court based on the Prosecutors continual refusal to provide full and complete  
9 discovery responses. These direct improper "ex parte" communications are potentially making  
10 this Court an unnecessary witness in future litigation.  
11  
12

13 Defendant Lori Daybell hereby requests, as set out by Mr. Prior, all relief sought in his  
14 motion and an order of this Court of instruction to Counsel to cease this unnecessary ex parte  
15 communication.  
16

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

19 DATED this 22 day of April 2021.

20 *M.L. Means*

21 Mark L. Means  
Advocate for Mrs. Lori Norene Daybell

22 <sup>1</sup> See ABA Model Code of Judicial Conduct Rule 2.9 which states: "2.9 (A): A  
23 judge shall not initiate, permit, or consider ex parte communications, or  
24 consider other communications made to the judge outside of the presence of  
25 the parties or their lawyers concerning a pending or impending matter..."  
26 There are not exceptions applicable to this form of improper communications  
by this Prosecutor. Though not binding to this Court, it is advisable in  
preventing the exact situation this Prosecutor is unnecessarily creating with  
this Court. ALSO see Idaho Code of Judicial Conduct 2.9. Though 2.9 (B)  
appears to create an exception, this communication will be subject to a  
motion to compel, possible Brady Violation Motions, communications, etc. It  
is unnecessary, does not preserve a record, etc. Serves no purpose.



1 **CERTIFICATE OF SERVICE**

2 The undersigned certifies that on this \_\_\_\_\_ day of April 2021, 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 ATTORNEY

x \_\_\_\_\_ Efile

6 Email: [mcpo@madison.id.us](mailto:mcpo@madison.id.us)

7 Mr. John Prior

x \_\_\_\_\_ Efile

8 Email: [john@jpriorlaw.com](mailto:john@jpriorlaw.com)

9 DATED this 22 day of April 2021.

10 *M.L. Means*

11 Mark L. Means

12 Advocate for Mrs. Lori Norene Daybell

## Mark L. Means

---

**From:** mcpo <mcpo@co.madison.id.us>  
**Sent:** Thursday, April 15, 2021 1:30 PM  
**To:** john@jpriorlaw.com  
**Cc:** mlm@means-law.com; Steven Boyce  
**Subject:** Letter from Rob Wood  
**Attachments:** DAYBELL. Letter to Boyce, Means and Prior.pdf

**MADISON COUNTY**  
OFFICE OF THE  
**PROSECUTING ATTORNEY**

159 East Main  
P. O. Box 350  
Rexburg, Idaho 83440  
(208) 356-7768  
Fax: (208) 356-7839

Prosecuting Attorney  
Rob H. Wood

Civil Deputy  
Troy D. Evans

Criminal Deputy  
Spencer Rammell

Criminal Deputy  
Quinn P. Merrill

Criminal Deputy  
Sid D. Brown

Criminal Deputy  
Mckinzie Cole

April 15, 2021

John Prior  
[john@jpriorlaw.com](mailto:john@jpriorlaw.com)

Re: State of Idaho v. Chad Guy Daybell

Mr. Prior,

I'm including Judge Boyce and Mr. Means on this correspondence because I am following up on a matter that you brought up during our recent status conference on April 7, 2021.

You mentioned at the conference that you estimate you are missing "30 items" in discovery from the State.

To date, I have not received any specific information from you regarding what you are missing in the discovery from the State. You did send two letters regarding discovery in the recent months, and we responded to those requests before our recent status conference. I would note that all the items requested in those letters had already been provided to you or have since been provided to you other than Tammy Daybell's autopsy report, which the Fremont County Prosecutor has not and will not provide to my office. You did mention at the hearing that you have not had the opportunity to review everything that we sent to you. Needless to say, we were surprised by your statement in court that you are missing such a large number of items.

According to our records, we believe we have provided you with every document in our possession that you are entitled to under the law. (My paralegal is preparing a small supplemental disclosure of items we have just recently received and it will be sent to you and Mr. Means no later than next week.) However, if you believe otherwise, please provide me with a list of the specific information that you are missing and legally entitled to in this case so that I can address your concerns.

Regards,



Rob H. Wood  
Special Prosecutor for Fremont County

Cc: Judge Boyce  
Mark Means



# MEANS-LAW

## MARK L. MEANS

### Attorney at Law

---



April 22, 2021

FREMONT COUNTY SPECIAL PROSECUTOR

Mr. Robert Wood

Email: [mcpo@co.madison.id.us](mailto:mcpo@co.madison.id.us)

Re: State vs. Daybell

Dear Mr. Wood,

I joint in Mr. Prior's objection regarding consuming all remaining DNA samples/testing. If you proceed, I will seek, as Mr. Prior stated, all remedies available for my client for this unprecedented attempt to unconstitutionally handicap the defense in this case by your suggested actions.

As a formal notice, I am requesting, as if discovery requests were not sufficient, that all reports, records, information, notes, etc. be provided immediately regarding this matter and any other matter or issue in regard to this case.

Your office continually appears to have intentionally and wrongfully withheld this discoverable information/documents to date for unreasonable amounts of time.

Please confirm through writing that you will comply with these requests today, email would be appropriate, or I will seek injunctive relief as well as other remedial measures readily available.

Regards,

*Mark L. Means*

Mark L. Means

Attorney

---

MEANS-LAW  
429 SW 5<sup>th</sup> Ave. Suite 110  
Meridian, ID 83642

Telephone: (208) 794-3111  
Facsimile: (866) 228-3429  
Email: [mlm@means-law.com](mailto:mlm@means-law.com)  
Website: [www.means-law.com](http://www.means-law.com)  
Instagram: [lawyermark42](https://www.instagram.com/lawyermark42)