

**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,

v.

LORI NORENE VALLOW aka LORI  
NORENE VALLOW DAYBELL,

Defendant.

Case No. CR22-21-1624

**MEMORANDUM DECISION  
and ORDER**

*on Defendant's Motion to Dismiss  
for lack of Speedy Trial*

On January 26, 2023, the Defendant Lori Norene Vallow Daybell filed a MOTION TO DISMISS FOR LACK OF SPEEDY TRIAL. On February 2, 2023, the State filed an OBJECTION to the motion. On February 9, 2023, the Court called the motion for hearing and took the matter under advisement to issue a written ruling. Having considered the parties' arguments and relevant legal authority the Court orders as follows.

**I. PROCEDURAL BACKGROUND**

Madison County Case No. CR33-20-0302<sup>1</sup>

On February 20, 2020, Lori Norene Vallow Daybell ("Lori"), was arrested in the State of Hawaii on a warrant issued from Madison County, Idaho. Bail on the arrest warrant was set at \$5,000,000.00. On March 4, 2020, Lori filed a MOTION FOR BOND REDUCTION to be argued at an initial appearance scheduled for March 6, 2020. Bail was reduced to \$1,000,000.00 by order of the Court on March 6, 2020. On May 1, 2020, Lori filed another MOTION TO REDUCE BOND. On May 5, 2020, the magistrate denied the motion, leaving bail set at \$1,000,000.00. On July 20, 2020, the court issued a SECOND AMENDED ORDER REDUCING BAIL AND CONDITIONS OF RELEASE further

<sup>1</sup> See generally, Madison County Case No. CR33-20-0302.

reducing bail to \$150,000.00. On January 04, 2021, Lori filed a written waiver of speedy trial. On December 30, 2021, the State of Idaho made a motion to dismiss the case, and an ORDER dismissing the case was granted on January 3, 2022.

Fremont County Case No. CR22-20-0838 (“0838 case”)<sup>2</sup>

On June 29, 2020, the State of Idaho filed a COMPLAINT charging Lori with two counts of Conspiracy to Commit Destruction, Alteration, or Concealment of Evidence and served an arrest warrant upon Lori with bond set at \$1,000,000.00. On December 17, 2020, Lori filed a written waiver of Speedy Trial. On July 28, 2021, the State of Idaho filed a MOTION TO DISMISS the case. On July 29, 2021, the Court entered an ORDER OF DISMISSAL, dismissing the case without prejudice.

Fremont County Case No. CR22-21-1624<sup>3</sup>

On May 25, 2021, a Fremont County Grand Jury returned an INDICTMENT charging Lori as a co-conspirator with Chad Guy Daybell (“Chad”) in the commission of several crimes—including two counts of first-degree murder.<sup>4</sup> The arrest warrant served on the INDICTMENT was a “no bail” warrant. Notably, before Lori could be arraigned in district court on the INDICTMENT, pursuant to Idaho Code § 18–212, this Court found Lori was legally incompetent to stand trial and committed her to IDHW for care and treatment.<sup>5</sup> Accordingly, on June 9, 2021, the Court entered an order staying all cases pending her commitment for restoration treatment. On April 11, 2022, Lori was found competent and fit to proceed to trial. This Court lifted the stay of her case and ordered her to appear before the Court for arraignment on April 19, 2022. During arraignment, the Court

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<sup>2</sup> See generally, Fremont County Case No. CR22-20-0838.

<sup>3</sup> See generally, Fremont County Case No. CR22-21-1624.

<sup>4</sup> INDICTMENT, CR22-21-1624, May 25, 2021.

<sup>5</sup> The original order for commitment was filed in Fremont County Case CR22-20-838. See ORDER STAYING CASE, Fremont County Case No. CR22-21-1624, June 9, 2021.

advised Lori of her rights and subsequently set her trial for October 11, 2022.<sup>6</sup> On May 2, 2022, the State filed a motion requesting the Court to continue Lori's trial to January 9, 2023, to track with her named co-conspirator Chad's jury trial and in order to avoid an improper severance of the alleged co-conspirators' cases. On May 12, 2022, Lori filed a response to the State's motion, stating that she did not waive her right to a speedy trial, and that she understood the continuance would provide her defense team additional time to prepare her defense. On May 19, 2022, the Court heard the parties in oral argument. On May 26, 2022, this Court entered a MEMORANDUM DECISION AND ORDER, finding "good cause" to grant the State's motion to continue trial to prevent an improper severance from alleged co-conspirator/co-defendant Chad Guy Daybell's trial.<sup>7</sup>

On September 30, 2022, counsel for Lori filed a motion under seal, requesting the Court to continue trial and toll timeframes and to enter a stay of the case in order to again determine the question of Lori's competency to stand trial. On October 6, 2022, the Court entered an ORDER STAYING CASE AND FOR EXAMINATION OF DEFENDANT.<sup>8</sup> On November 15, 2022, after considering conflicting evidence, the Court entered an ORDER determining Lori was competent to stand trial and lifted the stay of the case. Again, it is important to clarify that during the time Lori's case was stayed pending determination of her competency to stand trial, the January 9, 2023 trial setting was necessarily vacated.<sup>9</sup> On December 16, 2023, the Court entered a NOTICE OF TRIAL SETTING, PRE-TRIAL CONFERENCE, AND SCHEDULING ORDER GOVERNING FURTHER PROCEEDINGS setting trial to begin April 3, 2023. On January 26, 2023, Lori filed a MOTION TO DISMISS FOR LACK OF

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<sup>6</sup> Lori's named co-conspirator, Chad, had previously had filed a motion to sever the cases. This Court denied that motion, stating that the defendants were properly joined. Chad's trial was set to commence January 9, 2023; subsequent to her Chad filed a Motion to Continue Trial on September 27, 2022. On October 28, 2022, the Court entered a Memorandum Decision and Order granting Chad's Motion to Continue, in part predicated upon the October 6, 2022 stay entered in this case in order to avoid forcing a severance of the companion cases.

<sup>7</sup> See fn. 6, *supra*.

<sup>8</sup> *Id.*

<sup>9</sup> See fn. 6, *supra*.

SPEEDY TRIAL. The State objects and argues there is “good cause” to excuse a delay in bringing Lori to trial in conformity with the current scheduling order. The Court orders as follows.

## II. LEGAL STANDARD

Criminal defendants are guaranteed the right to a speedy public trial under the Sixth Amendment to the United States Constitution and under Article I, section 13 of the Idaho Constitution. In Idaho, these constitutional provisions have been supplemented by legislation that sets specific time limits within which a criminal defendant must be brought to trial. *See* I.C. § 19–3501 (2000); *see also Schrom v. Cramer*, 76 Idaho 1, 275 P.2d 979 (1954). Indeed, the operative statute was enacted in 1864 while Idaho was still a territory and was in force and effect at the time of the adoption of our constitution. *See id.* at 5, 275 P.2d at 981. The current version of Idaho Code section 19–3501 states:

The court, unless good cause to the contrary is shown, must order the prosecution or indictment to be dismissed, in the following cases:

1. When a person has been held to answer for a public offense, if an indictment or information is not found against him and filed with the court within six (6) months from the date of his arrest.
2. If a defendant, whose trial has not been postponed upon his application, is not brought to trial within six (6) months from the date that the indictment or information is filed with the court.
3. If a defendant, charged with a misdemeanor offense, whose trial has not been postponed upon his application, is not brought to trial within six (6) months from the date that the defendant enters a plea of not guilty with the court.

Thus, under I.C. § 19–3501, criminal defendants are given additional protection beyond what is required by the United States and Idaho Constitutions. *See State v. Brooks*, 109 Idaho 726, 728, 710 P.2d 636, 638 (Ct.App.1985). The statute mandates that unless the State can demonstrate “good cause” for a delay greater than six months, the court must dismiss the case.

*State v. Clark*, 135 Idaho 255, 257–58, 16 P.3d 931, 933–34 (2000).

“[A]ny inquiry into a speedy trial claim necessitates a functional analysis of the right in the particular context of the case.”<sup>10</sup>

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<sup>10</sup> *Barker v. Wingo*, 470 U.S. at 522, 92 S. Ct. at 2188 (emphasis added).

Justice Powell, writing for the Court in *Barker v. Wingo*, explained:

The right of a speedy trial is necessarily relative. It is consistent with delays and depends upon circumstances. It secures rights to a defendant. It does not preclude the rights of public justice.<sup>11</sup>

A fact-specific inquiry is necessary to assess the particular context for any case where a delay has, or is anticipated to, frustrate[d] an individual's right to a speedy trial in order to determine whether "good cause" exists. "Good cause" means that there is a substantial reason that rises to the level of a legal excuse for the delay. [...] Because there is not a fixed rule for determining "good cause" for the delay of a trial, the matter is initially left to the discretion of the trial court." *State v. Clark*, 135 Idaho 255, 260, 16 P.3d 931, 936 (2000) (citations omitted).

Under I.C. § 19-3501, "where there is 'good cause' for the failure to try the accused within the applicable statutory period, the delay is generally not violative of the accused's speedy trial rights. See 22A C.J.S. *Criminal Law* § 604 (1989).

### III. ANALYSIS

Once again the Court must ascertain whether a delay in bringing this case to trial has deprived Lori of her speedy trial rights. The Court considers whether the State has demonstrated sufficient "good cause" to allow a determination that the April 3, 2023 trial setting constitutes "good cause" under I.C. § 19-3501 and applicable caselaw which instructs the Court on the application of that term as it relates to the statute. The Court does so by application of a balancing test under *Barker v. Wingo*, 407 U.S. 514, 525, 92 S. Ct. 2182, 2189, 33 L. Ed.2d 101, 114 (1972). "Whether there was an infringement of a defendant's right to a speedy trial presents a mixed question of law and fact." *State v. Lopez*, 144 Idaho 349, 352, 160 P.3d 1284, 1287 (Ct. App. 2007) (citing *State v. Clark*, 135 Idaho 255, 257, 16 P.3d 931, 933 (2000)).

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<sup>11</sup> Id. (citing *Beavers v. Haubert*, 198 U.S. 77, 87, 25 S. Ct. 573, 576, 49 L.Ed.2d 950 (1905)).

An INDICTMENT was filed on May 25, 2021, charging Lori with the commission of several crimes. That same day, an arrest warrant was returned resulting in Lori being held on the INDICTMENT's charges without the possibility of bail. That event commenced the running of time for purposes of calculating speedy trial right deadlines. Therefore, absent a showing of "good cause," Idaho Code § 19-3501 would require a dismissal of the INDICTMENT against Lori because she was not brought to trial by November 25, 2021.

Idaho Code § 19-3501 creates an exception when a defendant's trial is postponed by their own application. Lori's attorney of record (at the time) filed a request for this Court to order Lori to undergo a mental health evaluation in the "0838 case" prior to the return of the INDICTMENT in the instant case. By the time the INDICTMENT was returned and the instant case was formally initiated, Lori's previous "0838 case" was already stayed pending a determination of her competency to stand trial. This Court has already incorporated that postural history into this case.

On June 9, 2021, following an evaluation and report on Lori's mental health status, the Court entered a finding in in this case that Lori was not competent to stand trial and ordered her to be admitted to the state hospital for restoration treatment. Accordingly, the Court entered a stay halting the proceedings in this case pursuant to Idaho Code § 18-212(2). Thus, if looking to the date the INDICTMENT was filed as the triggering date for calculating speedy trial rights, the period of time Lori spent remanded to the custody of the Department of Health and Welfare is tolled for purposes of calculating speedy trial timing. However, there is another timeframe to consider.

The Court finds that Idaho Code § 19-3501(3) to calculate time in considering the speedy trial right. I.C. § 19-3501(3) requires an individual to be brought to trial within six months of the date the defendant was arraigned in the court in which an indictment was found. Following a lengthy period of commitment for restorative treatment, Lori was arraigned on April 19, 2022,

*ergo*, a trial after October 19, 2022 would require a good cause justification in order to avoid a speedy trial violation under Idaho statute. This is the appropriate time frame to consider in this case.

This Court previously determined the State had demonstrated “good cause” to extend trial from October 19, 2022 to January 9, 2023.<sup>12</sup> However, another delay occurred before that October 19 deadline when, on October 6, 2022, this Court entered another stay of Lori’s case, pursuant to I.C. §18-210 *et. seq.*, which stay was not lifted until November 15, 2022. Thus, calculating the duration of October 6, 2022- October 19, 2022, when Lori’s speedy trial right would have run, the Court finds that thirteen days must be extended from the date the Court lifted the stay of this case, on November 15, 2022, to determine the statutory timeframe for speedy trial under I.C. § 19-3501(3). By that calculation, Lori’s six-month statutory right was extended to November 28, 2022. Notwithstanding the previous order finding “good cause” to extend trial to January 9, 2023, the Court must now assess whether the Court must dismiss the case for lack of speedy trial because with trial not having commenced by November 28, 2022.

Lori argues that her rights have been ignored, and to the detriment of the State’s case this Court must dismiss the INDICTMENT with prejudice. The State argues that the Defendant’s September 30, 2022 MOTION TO CONTINUE TRIAL AND TOLL TIME LIMITS constituted a waiver of her right to speedy trial; and further, notwithstanding a six-month requirement to be brought to trial under Idaho’s statute, the constitutional protections under the United States Constitution cannot be overlooked to find “good cause” exists in this case to delay trial beyond a six-month statutory deadline.

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<sup>12</sup> MEM. DEC. AND ORDER. May 26, 2022.

First, the Court does not construe Lori's motion to continue trial, filed September 30, 2022, as a waiver of her right to a speedy trial.

A waiver is a voluntary relinquishment or abandonment of a known right or privilege, and courts should indulge every reasonable presumption against waiver. *Barker v. Wingo*, 407 U.S. 514, 525, 92 S.Ct. 2182, 2189, 33 L.Ed.2d 101, 114 (1972). Therefore, although an unequivocal written waiver of speedy trial signed by a defendant is dispositive of a later motion to dismiss on this basis, *State v. Youngblood*, 117 Idaho 160, 162, 786 P.2d 551, 553 (1990), this Court has held that "[t]he unauthorized representations of defense counsel do not constitute a waiver of [a defendant's] rights that would preclude [a defendant] from later asserting a violation of his right to a speedy trial." *State v. Beck*, 128 Idaho 416, 419, 913 P.2d 1186, 1189 (Ct.App.1996). See also *State v. Stuart*, 113 Idaho 494, 496-97, 745 P.2d 1115, 1117-18 (Ct.App.1987).

*State v. Lopez*, 144 Idaho 349, 352, 160 P.3d 1284, 1287 (Ct. App. 2007).

In this case, Lori has never waived her right to a speedy trial. In each of Lori's previous cases the record contains an express written waiver of speedy trial. But on the charges in this cause number, it is clear she has never relinquished or abandoned this right. Through no petitioning of Lori, her counsel motioned this Court to order a mental health evaluation to determine legal competency to stand trial. This does not constitute a voluntary waiver by Lori, though it does function to create a delay in being brought to trial that this Court must consider in weighing all of the factors in reaching a decision on this issue.

Thus, finding that an inquiry into speedy trial rights has been appropriately invoked, the Court must next determine whether the state has shown "good cause" exists to excuse a lack of speedy trial. Accordingly, the Court will apply the *Barker v. Wingo* factors to determine whether there is "good cause" to excuse any delay of Lori's trial. The *Barker v. Wingo* test analyzes a speedy trial claim under a four-part balancing test: (a) the length of delay; (b) the reason for the delay; (c) the defendant's assertion of this right; and (d) the prejudice to the defendant.<sup>13</sup>

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<sup>13</sup> *Barker v. Wingo*, 470 U.S. at 530, 92 S. Ct. at 2192.



Length of delay

The length of delay the Court considers is from November 28, 2022 to April 3, 2023, a period of 126 days. However, under the Idaho Constitution, the period of delay is measured from the date formal charges are filed or the defendant is arrested, whichever occurs first. *State v. Lopez*, 144 Idaho 349, 352–53, 160 P.3d 1284, 1287–88 (Ct. App. 2007) (internal citations omitted). Lori has argued that this Court must consider the date she was first arrested, February 20, 2020. But the arrest warrant issued in *this* case was served upon Lori on May 25, 2021. Thus, for purposes of considering the length of pre-trial incarceration, the Court considers an arrest date of May 25, 2021. However, the truly imperative date to consider when considering I.C. § 19-3501(3) is April 19, 2022, when she appeared before this Court for arraignment on the INDICTMENT. Taken as a whole, the Court concludes there is a delay, but the delay is less protracted than has been argued. On balance this length of delay weighs in favor of Lori's motion to dismiss, but not heavily.

Reason for delay

Next, the Court analyzes the reason for the delay of trial. In this case, the reasons are compounded. The pause in Lori's case from the date the INDICTMENT was filed developed when her own attorney raised a concern that Lori may be incompetent to stand trial. The protracted period of time she was sent for restoration treatment cannot be overlooked in assessing the delay from the date the INDICTMENT was filed to the present. Further, the case was again delayed after Lori's April 19, 2022 arraignment when, in late September of 2021, counsel raised a well-founded concern that Lori may not be competent to stand trial, then scheduled for January 9, 2023. After conflicting evidence was presented to the Court on the competency issue, confirming counsel's rationale in raising the issue, the Court ultimately and after a contested proceeding found Lori to

be competent to continue in the case without the requirement of a subsequent involuntary commitment.

However, the period of time the Court must scrutinize in the present motion before the Court is the period between November 28, 2022, and April 3, 2023, to ascertain whether the State has shown there is “good cause” to tolerate a continuance of her trial beyond the six-month statutory period.

The State has first argued that the delay is necessary to prevent an improper severance. Chad and Lori were named together in a single charging document, the INDICTMENT. This Court has found they were properly joined for trial thereupon and further, this Court has determined they should be tried together. A motion to sever, filed in Chad’s case, has already been denied.<sup>14</sup>

A second reason offered to justify a delay of trial can be ascertained from the record. On December 8, 2022, after having determined that the January 2023 trial date could not occur, this Court called a Scheduling Conference establish new trial dates. Chad’s counsel requested a trial date no sooner than October, 2024. The State proposed a “late summer” 2023 start date. Lori insisted upon a date no later than February 21, 2023. The minutes of that hearing suggest that the Court directly addressed one key concern and reason to set trial in April, 2023: the completion of discovery.

At this time, discovery is not yet complete. Given the facts of this case, which involve a companion case with an alleged co-conspirator, a deceased co-conspirator named in the INDICTMENT, multiple homicides, and an incredibly complex investigation that extends into multiple states, the Court cannot find fault with the prosecution, nor with Lori, for ongoing

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<sup>14</sup> At the time of this decision, a second Motion to Sever is pending in the companion case, CR22-21-1623; however, the motion has not been argued, is not under advisement, and is not being considered in reaching the decision in this case.

discovery delays. This case is extremely complex in both its investigative background and the resulting charges brought forth in the INDICTMENT. The Idaho Court of Appeals has held that complexity in both investigation and charges is appropriately considered when determining the length of delay factor in the balancing test. “A delay of seventeen months, while this case largely languished in inactivity, is unreasonable; the record on appeal shows no difficulty with complexity of investigation, lost witnesses, trouble marshalling evidence, or any other mitigating circumstance justifying the delay.” *State v. Lopez*, 144 Idaho 349, 353, 160 P.3d 1284, 1288 (2007). Further, “the period [of any delay] that is reasonable for prosecution of an ordinary street crime is considerably less than for a complex conspiracy charge.” *State v. Lopez*, 144 Idaho 349 at 353 (citing to *Barker v. Wingo*).

As a natural consequence of the complexity of the investigation in this case, the preparation and dissemination of the discovery in this case has been an ongoing issue. All parties have argued at various times that the discovery is exceptionally voluminous, causing concerns about trial preparation and adequate disclosures. The Court has sought to carefully balance requests for extensions of time with Lori’s speedy trial right, and it is here determined that while the State and counsel in the companion cases have sought to extend the time for trial until late 2023 or into 2024, the April, 2023 timeframe will reduce the impact of an unnecessary delay. That being said, the Court determines herein that the reason for the delay weighs in favor of a finding of good cause.

One reason for the initial delay was to give Lori’s attorneys time to prepare Lori’s defense. However, counsel has been clear that Lori will not waive her right to accommodate more preparation for her attorneys. Balancing their need while also honoring Lori’s unequivocal right is delicate. This is a complex, multiple defendant and multiple victim capital case. The Court believes

Lori's counsel have been diligent in preparing for this case, but recognizes that given a stay entered in her case for nearly five weeks, there was an accompanying delay in bringing necessary pre-trial motions ahead of trial while the case was stayed. Thus, the additional time to prepare the defense by delaying trial to April 3, 2023, constitutes "good cause" to run past the November 28<sup>th</sup> deadline to meet speedy trial obligations.

Lori argues correctly, upon consideration of authoritative caselaw, that "court congestion" does not constitute grounds for delay. Here, however, a congested calendar has never been a factor in selecting a date for trial. To the contrary, this Court has been diligent and insistent on scheduling this case for trial at the earliest possible opportunity, repeatedly. The Court also is cognizant that both Lori and her co-defendant, Chad Guy Daybell, requested to transfer trial from Fremont County to Ada County in order to promote a fair proceeding and selecting an impartial jury. This was a request not attributable to the State. Upon consideration of their arguments, the Court agreed that transferring trial to Ada County was necessary in order to select a fair and impartial jury. The transfer has required complex, multi-faceted planning and case administration that must be taken into account, and is distinguishable from "court congestion." The practical reality of moving the trial in this case to Ada County has contributed to the delay. Coordination between Fremont County and host Ada County has occurred, and that has required time. Security, staffing of personnel, jury commissioner preparations and designation of physical accommodations for a large jury pool and courtroom at the host county's location, have all factored into the timeframe that was determined to be the earliest feasible date to conduct this trial in Boise.

Thus, after Defendant moved for a transfer of trial, which was opposed by the State and ultimately which the Court granted, that transfer requires orchestration and an intricate coordination effort that justifies some delay. Notably, once this Court entered the order lifting the

stay of this case, the Court immediately began the preparations to schedule trial to the host county, as expeditiously as possible in this complicated case. On balance, the reasons for the delay weigh in favor of the State in justifying good cause for the delay attributed to this critical factor. The reasons proffered by the State and in reviewing the record weigh in favor of finding “good cause”.

*Whether Lori asserted her right to speedy trial*

Lori has unequivocally asserted her right to a speedy trial. This factor weighs against a finding of “good cause” and in favor of Lori’s motion to dismiss.

*Prejudice to Lori*

Prejudice to the accused cause by trial delay is assessed in light of the interests of the defendant.<sup>15</sup> Those interests comprise a three-prong inquiry: (1) to prevent oppressive pretrial incarceration; (2) to minimize anxiety and concern of the accused; and (3) to limit the possibility that the defense will be impaired.<sup>16</sup> Infringement on the third interest is the most serious form of prejudice because the inability of the defendant to adequately prepare his or her case skews the fairness of the entire system.<sup>17</sup>

Here, a 126 day delay in proceeding to trial—from November 28, 2022 to April 3, 2023 does expand Lori’s pretrial incarceration. This factor cuts against finding “good cause”.

The second factor, to minimize anxiety and concern has not been argued by Lori. Though she has emphasized her desire to proceed to trial, her counsel, while acknowledging her understanding of this right, states she has nevertheless been able to cogently and rationally cooperate with the preparation of her defense. This factor is neutral in this assessment.

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<sup>15</sup> *State v. Davis*, 141 Idaho at 840, 118 P.3d at 172.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

The third factor, to limit the impairment of the defense, cuts in favor of finding “good cause”. Lori’s counsel has voiced their diligence in preparing her case. However, in light of the severity and complexity of the crimes charged and the voluminous discovery in this case, which is ongoing, this Court determines that the currently scheduled trial serves to prevent unnecessary impairment to Lori’s defense. On May 2, 2022, the State filed a notice of intent to seek the death penalty against Lori. This inarguably complicates the preparation of a defense. In light of the particulars of this case, the Court here determines that there has been no showing that the currently scheduled trial date in any way would impair the defense. To the contrary, counsel for Lori has stressed that trial as now scheduled has presented a challenge in terms of their timing to adequately prepare their defense. They have, however, also indicated that they will be ready for trial. Upon balance, the delay cannot be shown to in any way have impaired the defense in this case. This factor, weighed heavily, falls in favor of finding there is “good cause”.

Thus, on balance, the Court finds there is no undue prejudice to Lori to find “good cause” to continue the trial a relatively short time, especially in light of the complexity of the case and the particular charges she stands accused of committing. Weighing the *Barker v. Wingo* factors results in a determination that “good cause” exists under the particular context of this case.

To summarize, the Court has considered whether there is an infringement upon Lori’s speedy trial rights because she was not brought to trial within six months, as expressly required by I.C. § 19-3501. Thus, the Court determines here whether the “good cause” provision of the statute applies. The Court determines that the State’s delay in bringing her to trial is justified by finding there is “good cause” to tolerate a 126-day lapse of the statutory deadline. Particularly persuasive is the complexity of this case—including the delay for evaluating Lori’s competency and the restorative treatment, none of which is attributable to the State’s prosecution or mishandling of

this case. Ensuring that Lori was, and remains, competent and reasonably prepared to stand trial prevents the most serious kind of prejudice to her and results in a finding here that “good cause” justifies the particular delay that has occurred here.

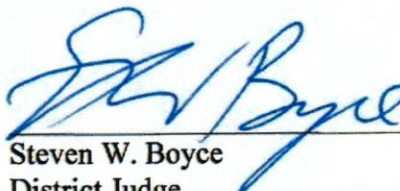
On balance, though the Court is mindful of the overall length of time Lori has been in custody on charges preceding the INDICTMENT, and the potential anxieties or concerns Lori has in a long pre-trial incarceration, the relevant time frame to consider the merits of a motion to dismiss the INDICTMENT for lack of speedy trial cuts against finding an intolerable delay given this exceptionally complex conspiracy case. The delay is, as a whole, minimal given the overall charges and maximum penalties that could be imposed. Thus, the Court will continue to abide by an April 3, 2023 trial date as a justified date to begin trial in reaching this decision today.

#### IV. CONCLUSION

Accordingly, Lori’s MOTION TO DISMISS FOR LACK OF SPEEDY TRIAL is DENIED.

**IT IS SO ORDERED.**

Dated this 13 day of February, 2023.

  
Steven W. Boyce  
District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13th day of February, 2023, 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   
Deputy Clerk