

Wendy M. Lewis (5993)
Kathryn N. Nester (13967)
NESTER LEWIS PLLC
40 S. 600 E.
Salt Lake City, Utah 84102
wendy@nesterlewis.com
kathy@nesterlewis.com
801-535-4375

Alexander E. Ramos (15234)
LANGFORD RAMOS PLLC
43 E. 400 S.
Salt Lake City, Utah 84111
alex@langfordramos.com
801-328-4090

Attorneys for Kouri Darden Richins

**IN THE THIRD JUDICIAL DISTRICT COURT
SUMMIT COUNTY, STATE OF UTAH**

THE STATE OF UTAH,

Plaintiff

vs.

KOURI DARDEN RICHINS,

Defendant

**MOTION TO RECONSIDER
CHANGE OF VENUE**

Case No. 231500139

Judge: Richard Mrazik

Kouri Darden Richins, by and through counsel, hereby moves this Court to reconsider the Defendant's Motion to Change Venue based upon the arguments made in the defendant's previous motion, combined with the answers provided in the jury questionnaires, and change venue from Summit County, Utah to Salt Lake County, Utah. This motion is made pursuant to Rule 29 of the Utah Rules of

Criminal Procedure, the Sixth Amendment and Fourteenth Amendment to the United States Constitution and Article I Section 12 of the Utah Constitution.

In the defendant's original motion to change venue, the defense argued that there was a reasonable likelihood that a fair trial cannot take place in Summit County which is the standard set forth in *State v. James*, 767 P.2d 549, 552 (Utah 1989). The "reasonable likelihood" standard stems from a number of cases cited in the defendant's original motion including *Maine v. Superior Court*, 68 Cal.2d 375 (1968), which noted that "[t]he phrase 'reasonable likelihood' denotes a lesser standard of proof than 'more probable than not' . . . Further, when the issue is raised before trial, any doubt as to the necessity of removal to another county should be resolved in favor of a venue change." Now that the Court has the responses to the jury questionnaire it is obvious that Ms. Richins does not have a reasonable likelihood of a fair trial in Summit County.

The survey conducted by the defense last year determined that 79.8% of Summit County residents recognized the case before the court and of those 49.1% had been following the case either very or somewhat closely. The actual numbers that are now before the court are higher. Of the 1,723 questionnaires that were returned, 1,472, or approximately 85.3% recognized the case. Of those that recognized the case, 884, or approximately 60% followed the case either somewhat or very closely. During oral argument at the April 17, 2025, hearing the Court stated as follows:

THE COURT: . . . I guess what I'm saying is why wouldn't we focus on the 200 that don't recognize it to start with?

MS. LEWIS: So we're going to strike every single person who said they've heard of the case?

THE COURT: Well, that's your decision not mine. . . .

April 17, 2025 Hearing Transcript p. 134 ln 4-9. The defense agrees that it is most appropriate to strike all jurors who have heard of the case, which leaves 251 potential jurors. However, most of these jurors answered other questions in a way that would immediately strike them for cause. When those jurors are removed, we are left with approximately 72 potential jurors.¹

With a jury pool of less than 100 jurors it will be nearly impossible for Ms. Richins to receive a fair trial by a jury of her peers. Further, as testified to by Dr. Edleman at the hearing on the motion to change venue, once potential jurors are presented more facts, there is a high likelihood that several of them will realize that they are in fact familiar with the case. Dr. Edleman used the example of the John Feit murder in Texas when discussing how memory works. He testified that when potential jurors were asked to say everything they knew about the case, they would say a number of things, then claiming that was all they knew. However, when reminded of certain facts, such as “did you hear that John Fiet confessed to a priest in a monastery” they would then recall that they did in fact know that. This continued with several questions, each question triggering additional memories. *See* Motion to Change Venue hearing Transcript, April 17, 2025, at pages 25 and 26.

¹ In coming to the number 72 the defense removed jurors who indicated that they had hearing problems, were taking medication or had impairments that left them unable to serve. Further, jurors who indicated they could not follow the law, who could not be impartial, who were not available for the trial dates, knew witnesses, had beliefs against resolving disputes in court, or indicated no to question number 93 were also removed.

This is relevant to the small number of potential jurors left in this case because as these jurors are questioned and potentially reminded of additional facts such as the “walk the dog letter”, it is likely many will realize that they are both familiar with the case and have an opinion about Ms. Richins. These jurors will need to be removed for cause, leaving us with an even smaller pool of potentially qualified jurors.

Although there is no magic number as to how small a potential jury pool can be under Utah law, the jury pool must represent a fair cross-section of the community. *See Utah Code Ann. § 78B-1-103.* The smaller the pool the less likely this is to happen. Further, to seat a jury of eight, with four alternates, the Court must qualify 43 jurors. When starting with a pool of approximately 72, the chances that this can happen are little to none.

As argued previously, the standard for a change of venue is not simply a numbers game. The question is not “are there eight people in Summit County who are qualified to serve as jurors?” If this were the standard there would never be a change of venue in any case. The question is, is there a reasonable likelihood that Ms. Richins can get a fair trial in Summit County. With the jury questionnaires in hand, it is clearer than ever that the answer to that question, is no.

For the reasons stated herein, and the reasons set forth in the Defendant’s original Motion to Change Venue, the defendant respectfully requests that venue in this matter be changed from Summit County, Utah to Salt Lake County, Utah.

DATED this 30th day of January, 2026.

/s/ Wendy M. Lewis
Wendy M. Lewis
Kathryn N. Nester
Alexander E. Ramos
Attorneys for Ms. Richins