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10 Attorney for MRS. LORI DAYBELL

11 **IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT STATE**
12 **OF IDAHO COUNTY OF FREMONT**

13 STATE OF IDAHO,
14 Plaintiff

CASE NO. CR22-21-1624

15 Vs.

DECLARED MOTION(S) RE:

16 LORI NORENE VALLOW
17 AKA LORI NORENE DAYBELL

- 18 **(1) MOTION FOR STATE TO DISCLOSE
19 BRADY VIOLATIONS DISCLOSURES**
- 20 **(2) MOTION FOR CRIMINAL
21 DEPOSITION(S)**
- 22 **(3) MOTION FOR OUT OF STATE
23 SUBPOENA(S)**
- 24 **(4) MOTION TO DISQUALIFY IDAHO
25 DEPARTMENT OF HEALTH AND
26 WELFARE**

COMES NOW THE DEFENDANT LORI DAYBELL by and through her Attorney of Record,
Mark L. Means of Means-Law and hereby moves this Court as follows:

1. MOTION FOR STATE TO DISCLOSE COMMUNICATIONS INCLUDING BUT NOT LIMITED TO BRADY VIOLATIONS DISCLOSURES
2. MOTION FOR CRIMINAL DEPOSITION(S)
3. MOTION FOR OUT OF STATE SUBPOENA(S)
4. MOTION DISQUALIFY IDAHO DEPARTMENT OF HEALTH AND WELFARE
5. Any for further relief as discovered through the above motion/production/disclosures as become evident.

1 On or about June 8, 2021, this Court entered an order of Commitment regarding the
2 above Defendant, Mrs. Lori Daybell.¹ Said Defendant was further committed to the custody
3 and control of the Idaho Department of Health and Welfare (Hereafter IDHW) and has
4 remained in their control/custody since said date.

5 On or about 10/15/21, I met with Defendant Mrs. Daybell in person at the committed
6 sight under the control of IDHW. During this discussion² it was brought to my attention of
7 unethical and possible illegal activity, discussions, disclosures, and manipulation of the
8 incompetent Defendant.

9 Prior to said meeting, Defendant was and currently is being treated by a clinician,
10 believed to be employed by the IDHW, hereby identified as of N.C.³ On or about Oct. 5, 2021,
11 said clinician and Defendant were engaged in "watching" the transfer of trial motion regarding
12 Defendant Mr. Chad Daybell. During this hearing, N.C.⁴ recommended to Defendant that she
13 contact the Church of Jesus Christ of Latter-day Saints⁵ (Hereafter LDS) legal counsel to discuss
14 her case and possible obtain legal counsel to assist her instead of State appointed Public
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19 ¹ Finding Defendant Unfit & Incompetent and not fit to stand for trial.

20 ² All fifth amendment rights are reserved and hereby not waived by way of the
21 necessity of these Motions to preserve justice and the Constitutional rights
22 of said Defendant. Meeting between attorney and client was at the committed
23 location of the Defendant while under the Control/custody of the Idaho
24 Department of Health and Welfare.

25 ³ Due to the notoriety of this case the clinicians name will be disclosed as
26 deemed appropriate by the Court at a later time.

⁴ It is abundantly clear that improper disclosures and communications between
Defendant and N.C. have been made that are in violation of Defendant's due
process rights and irrelevant to her "treatment" while in the control and
custody of IDHW.

⁵ Believed to be legally identified as the Corporation of the Presiding Bishop
of the Church of Jesus Christ of Latter-Day Saints which operates as a tax -
exempt church affiliated corporation organized and existing under the law of
the State of Utah. Hereafter referred to as Church or Corporation.

1 Defender. N.C. took the “recommendation” further and then provided Defendant with the
2 direct telephone number to contact LDS church counsel and issued an “order” that this was
3 part of the Defendant’s “homework” for her treatment.⁶ Clinician “checked in” with the
4 Defendant to ensure this assignment was completed. N.C. told Defendant it was a “good idea”
5 to call LDS Corporation. Defendant would not have done this on her own without the prodding
6 of the IDHW employee, N.C. Defendant stated repeatedly she did not want to call LDS
7 Church/Corporation but for mandatory nature of “homework” would not have made the call
8 and or disclosures. Defendant was forced and or manipulated by those in positions of authority
9 and control of her incarceration i.e., every move, actions, inactions, treatment and the like.
10

11 Sometime soon after this mandatory homework assignment was issued to Defendant
12 and the LDS telephone number was provided⁷ to Defendant, Defendant called LDS Church
13 Headquarters, in Salt Lake City, Utah. Defendant spoke with a female receptionist and asked to
14 speak to LDS Church Legal Counsel. Receptionist asked, “whom this was” and Defendant
15 disclosed that she was seeking legal assistance with her criminal case and that her name was
16 Lori Vallow Daybell.⁸ The Receptionist then transferred Defendant to an attorney believed to
17 be one of the many LDS Church/corporation Legal Counsel, a Mr. Daniel S. McConkie.⁹
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21 ⁶ Defendant, in her incompetent state, believes that “homework” by the IDHW is
22 mandatory. Previous experience for the defendant regarding homework how lead
23 her to this conclusion that if not completed on her own is forced at the next
24 clinician meeting. N.C. “googled” the telephone number in front of Defendant
25 to provide her with the appropriate number.

26 ⁷ Again, the telephone number was “googled” by N.C. and provided to Defendant.

⁸ It is further disclosed that N.C./IDHW engaged in preparation of Defendant
on what to say and the like to the LDS Church/Corporation.

⁹ It is unknown whether this Attorney is currently employed directly with the
LDS Church/Corporation or is one of many legal counsel for said Corporation.
Mr. McConkie is believed to be only licensed in the State of Utah and was
aware that Defendant was incarcerated at the time of the telephone call and

1 Defendant introduced herself to Mr. McConkie by name and made brady violation
2 disclosures under the guise that the “church” was her friend and was there to assist her in both
3 temporal and spiritual matters directly regarding her current criminal state of affairs/legal
4 matters. Mr. McConkie bragged about his 30+ years of criminal ligation as a prosecutor and
5 told Defendant that he knew “every detail of her case.” This led Defendant to make disclosures
6 she would not have without these assurances.
7

8 Mr. McConkie, as legal counsel for the LDS Church/Corporation never advised
9 Defendant of a possible conflict of interests, that he was not licensed in Idaho to practice law,
10 possibly brady violations, impossibility of his representation of her in her Idaho criminal matter,
11 nor that his conversation with her would not be protected by attorney client privilege.
12 Defendant believed it to be protected confidential by rules of the spiritual “world.”¹⁰
13 Defendant describes Mr. McConkie as “eager” to discuss her case. Only after certain
14 disclosures were made by Defendant, Mr. McConkie told her that he would assist her with
15 finding an attorney that could legally practice law in Idaho and possibly provide her assistance
16 with her matter. Mr. McConkie said he would “get back to her.”¹¹ Mr. McConkie never got
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21 was currently “residing” in the state of Idaho with State of Idaho criminal
litigation “issues.”

22 ¹⁰ It is publically well documented that Defendant has an abnormal obsessive
view of the LDS Church, its Doctrine, and its Leaders. [Court Documents](#)
23 [Allege Cult Connection For Lori Vallow, Chad Daybell \(ksltv.com\)](#). [A look at](#)
[the religious circle surrounding Chad and Lori Daybell - East Idaho News.](#)
24 [Court documents say Charles Vallow killed because of wife Lori's religious](#)
[beliefs | KBOI \(idahonews.com\)](#). Plethora of media articles and the like of
25 Defendants obsession and belief of truthfulness of the LDS Church/Corporation
and its leaders to the point of complete control over the Court’s by said
Church and Leaders.

26 ¹¹ To date Defendant has not been contacted by Mr. McConkie again.

1 “...back to her” but instead called Prosecutor Mr. Wood to discuss the matter and the
2 conversation and disclose the statements of the Defendant.

3 Sometime after this conversation between Mr. Wood and Mr. McConkie, Mr. Wood
4 called Attorney Archibal to disclose, minimally, this conversation, limiting the conversation,
5 with Mr. Archibal that Defendant had only told Mr. Mr. McConkie that she wishes for a “new”
6 not stated appointed attorney.¹²
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8 Following this conversation between Mr. McConkie and Defendant, Defendant told
9 IDHW N.C. that she made said phone call at which N.C. said “good”. Defendant then relayed to
10 N.C. at a later time, that she to had told her legal counsel, Mr. Means of the encouragement to
11 call, the call, and the conversation. N.C. response was “no you didn’t?” and was described as
12 having a “concerned” look on her face.
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14 Again, Defendant has a publically well documented obsession with the LDS
15 Church/Corporation and her controlling belief of its divine origins and truth in religious matters.
16 To the point that the LDS Church and its legal counsel and the like can control and manipulate
17 the Court system, Judges, Prosecution and the like in this very case. This imbalance and or
18 unrealistic belief of Defendant, appears to have been purposefully used against the Defendant
19 to engage and or act against her own self-interests and without supervision of her Attorney,
20 Mark L. Means. This behavior by those with power and authority over the Defendant are
21 believed to have engaged in unethical (legal and Psychological rules of ethics), possible illegal
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24 ¹² Mr. Archibald is believed to have called and spoke with Mr. McConkie after
25 disclosure of said conversation by Mr. Wood to Mr. Archibald. I have never
26 had Mr. Wood nor Mr. McConkie contact my office to discuss this matter. Mr.
McConkie stated to Mr. Archibald that he had limited written notes from the
conversation.

1 actions and or violations that drastically affect the due process rights of the Defendant. These
2 behaviors are, as they appear, are abhorrent and blatant manipulation of the incompetent
3 Defendant.

4 Furthermore, the LDS Church/Corporations has embedded itself into this case by way of
5 its public statement dated 8/4/21¹³ and has incentives to disavow connection between the
6 Defendant and its Church/Corporation. The statement of “I know all the details of your case”
7 by an attorney with 30+ years of experience to an incompetent defendant with LDS ties plays
8 on Defendant self-evident irrationality and belief in LDS Church/Corporation doctrine and
9 leaders. Mr. McConkie has made himself a witness to this matter as well as opened the doors
10 of the LDS Church/Corporation to be obliged to produce all internal/external memorandums,
11 notes, emails, recordings, text, voice mails, and the like regarding their dealings with the
12 State/Prosecution and the Defendant.
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14 In addition, the Prosecution has been allowed to attempted manipulation of essential
15 witness(es) with the use of LDS Church/Corporation scripture, LDS language, and LDS positions
16 of power including but not limited to Essential Witness Melanie Gibb, David Warrick, and April
17 Raymond. This includes in formal court proceedings.^{14 15}
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21 ¹³ Issued during the preliminary hearing regarding Fremont Case, State of
22 Idaho vs. Chad Daybell alleging concealment, conspiracy concealment, etc.
23 [FOX 13 Investigates: LDS Church urges leaders to not participate in 'any type
of court case' \(fox13now.com\)](https://www.fox13now.com/story/news/politics/2021/08/04/lds-church-urges-leaders-not-participate-in-any-type-of-court-case/7344444002/). A formal response was provided the LDS
Church/Corporation by Counsel for the Defendant putting said church on
notice. [Lori Vallow Daybell's attorney reacts to LDS First Presidency letter
- East Idaho News](https://www.fox13now.com/story/news/politics/2021/08/04/lds-church-urges-leaders-not-participate-in-any-type-of-court-case/7344444002/).

24 ¹⁴ Testimony/recording of Melanie Gibb and Defendant Chad Daybell and Lori
25 Daybell played admitted into evidence at the preliminary hearing of Chad
26 Daybell.

¹⁵ Please note that discovery is ongoing, and it is believed that Mr. Wood has stated to multiple
crucial and essential witnesses in this matter that he “was” or “is” “a Bishop in the LDS”

1 It strains credulity to ignore the facts that the LDS Church/Corporation and its legal
2 counsel(s) are possibly involved and or working with the State/Prosecution/IDHW (at least in
3 this instance) to manipulate Defendant to be forced and manipulated into statements against
4 her interests. These behaviors, if true, are clearly unethical and possible illegal activities to
5 undermine Defendant’s Constitutionally protected rights.
6

7 A detailed and exhaustive investigation into this matter is a must for the Defendant’s
8 rights and to expose nefarious activities of person(s) elected and or appointed to purse justice
9 not manipulate a incompetent defendant into submission is required and requested by order of
10 this Court. Including but not limited to the following:

11 **1. MOTION FOR STATE TO DISCLOSE COMMUNICATIONS INCLUDING BUT NOT**

12 **LIMITED TO BRADY VIOLATIONS DISCLOSURES.** Subject to Idaho Criminal Code Rule

13 16 Defendant is seeking an order from this Court for the State/Prosecution to

14 produce any and all communications (related to this case and or defendant)

15 including but not limited to text, recordings, telephone (land line and cellular)

16 records, voice mails, emails, text, notes, records, charts, etc., or the like (through use

17 of state, county, or personal communication device/number) between the following:
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20 (respected position of authority and power by all members and witnesses. See: [The Bishop \(churchofjesuschrist.org\)](http://The Bishop (churchofjesuschrist.org)) scriptural talk given by the LDS Presiding Bishop Mr. Robert Hales.
21 Specifically stating, ““A bishop is the presiding officer of his ward, ... and those who are members of his
22 ward are subject to his presidency.” “... and his place should be held sacred in the minds of his
23 associates. ...”.) church and that he would speak with these witnesses by the use of “...LDS
24 speak”. See Transcript of Summer Shiflet conversation with Mr. Wood not produced through
25 discovery as obligated by the State but discovered through disclosure of recording by Attorney
26 Smith. The recording has been published through media channels and locally [LISTEN: New information revealed in recording between Lori Daybell's sister and Prosecutor Rob Wood - East Idaho News](#). Please note that Mrs. Gibb even went as far to ignore a legally served subpoena in this matter and stated upon service that she was “going to call Mr. Wood” to discuss the matter.

- 1 a. Prosecution/State and or its agents and the LDS church/corporation
2 (including local, regional, state, country and or worldwide) and or its agents
3 State/Prosecution and or its agents;
4 b. Prosecution/State and or its agents and the Idaho Department of Health and
5 Welfare and/or its Agents;
6 c. Idaho Department of Health and Welfare and or its agents and all treating
7 professionals/employees including but not limited to person identified as
8 N.C. and or other treating professionals/employees/agents involved with
9 Defendant's treatment while in IDHW custody and control;
10

11 **2. MOTION FOR CRIMINAL DEPOSITION(S) & OUT OF STATE SUBPOENA(S):**
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- 13 a. Deposition of Mr. Robert Wood, prosecutor & witness;
14 b. Deposition of Ms. N.C. and any other official or agent of IDHW involved in
15 this matter;
16 c. Out of State Deposition of Attorney & Witness Mr. Robert McConkey, Utah
17 Attorney and any other LDS official or person(s) that were privy the
18 conversation between McConkey and Defendant. Whether on the "call"
19 between McConkey and Defendant or spoke with McConkey after the fact.
20 d. Authorization and Issuance for Out of State Subpoena(s) for all of the above
21 to the LDS Church/Corporation and or its Agents, State/Prosecution and or its
22 agents
23 e. Orders for production of all cited above.
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1 CERTIFICATE OF SERVICE: I hereby certify that the above aforementioned document
2 was served as identified below DATED this 27 day of October 2021.

3 Ms. Lindsey A. Blake
4 Office of the Fremont County
Prosecuting Attorney
5 22 W. 1st. N.
6 St. Anthony, ID 83445
7 Telephone: 208.624.4418
Service email: prosecutor@co.fremont.id.us

x_____Email

8 Mr. John Prior
9 Prior Law
Service email: john@jpriorlaw.com

x_____Email

10 DATED this 27 day of October 2021.

11
12
13 By *M.L. Means*
14 Mark L. Means
15 Attorney Advocate for the Defendant
16 Mrs. Lori Daybell
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THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS
OFFICE OF THE FIRST PRESIDENCY
47 EAST SOUTH TEMPLE STREET, SALT LAKE CITY, UTAH 84150-1200

August 4, 2020

To: General Authorities, General Officers, and the following leaders in the United States and Canada: Area Seventies; Stake, Mission, District, and Temple Presidents; Bishops and Branch Presidents; Members of Ward and Stake Councils

Dear Brothers and Sisters:

Involvement in Legal Proceedings

We remind leaders and members of a long-standing policy that Church leaders should not involve themselves in civil or criminal cases regarding members in their units, quorums, or organizations without first consulting with Church legal counsel (see *General Handbook: Serving in The Church of Jesus Christ of Latter-day Saints*, 38.8.26.1, ChurchofJesusChrist.org). This same policy applies to leaders corresponding with court personnel on behalf of criminal defendants or others, including through email.

However well intentioned, Church leaders sharing information in legal proceedings can sometimes be misinterpreted and even damaging. Such sharing can be especially harmful to victims and their families. Following the Church's policy also keeps the Church from being inappropriately implicated in legal matters.

If a leader believes he or she should testify or communicate in a legal matter or if a leader is being required to do so by legal process, that leader must contact the Office of General Counsel at Church headquarters at 1-801-240-6301 or 1-800-453-3860.

Sincerely yours,







The First Presidency

MEANS-LAW

MARK L. MEANS

Attorney at Law



August 13, 2020

Re: August 4, 2020 Correspondence from The Church of Jesus Christ of Latter Day – Saints addressed to “General Authorities, General Officers, and the following leaders in the United States and Canada: Area Seventies, Stake, Mission, District, and Temple Presidents; Bishops and Branch Presidents; Member of the Ward and State Councils”

To Whom it May Concern,

On or about 8/4/20 I received a copy of the above correspondence issued and signed by the First Presidency of the LDS Church. This correspondence was released on the second day of the preliminary hearing in the *State of Idaho vs. Mr. Chad Daybell* (Fremont County, State of Idaho Case No.: CR 22-20-0755. By way of association of alleged offenses, relevant to *State of Idaho vs. Mrs. Lori Vallow (Daybell)*).

I find this correspondence troubling and disturbing. Please note that despite its attention “To” church leaders (as listed above), the letter was and is obviously intended and addressed to “leaders and members¹” of the LDS Church, despite its forwarded attention.

I find the correspondence alarming and concerning based on the following:

- (1) **LDS DOCTRINE**: It is well established² LDS doctrine that “A Latter-day Saint should strictly obey every law of God, *including the constitutional laws of the land in which he lives, and do it with a good and honest heart.*”³ Furthermore, said doctrine states that “*Civil authority is of divine origin...*”⁴ This doctrine (scripture) is above any self-proclaimed “*long-standing policy*” that now attempts, at least at first glance to circumvent the laws of our land.

¹ Membership of LDS church stands at approximately 16,565,036 throughout the world. See <https://newsroom.churchofjesuschrist.org/facts-and-statistics>.

² “long-standing policy” as cited in (said) 8/4/20 Correspondence.

³ “The Rule of Law”, First Presidency Message by President Marion G. Romney, Second Counselor in the First Presidency of the LDS Church. See at: <https://www.churchofjesuschrist.org/study/ensign/1973/02/the-rule-of-law?lang=eng>

⁴ (*Doctrine and Covenants Commentary* [Deseret Book Co., 1954], p. 339.)

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1 physical abuse she suffered, and well within the authority of this Court we request the Court
2 issue the following orders:

- 3 1. That all communications regarding my client's treatment, transfer, and the like be
4 communicated jointly with her legal counsel not "ex parte" style with the
5 prosecution and presented, after the fact, to Defense Counsel as if the Prosecution
6 has more "say" in this matter than Defense Counsel.
- 7 2. That this Court order said Director to comply with the specific location of treatment
8 and detainment of Defendant, as set forth by the Court appointed Evaluator (as
9 evident in Evaluation Report). As similar to IDOC Orders/Judgments of the Court
10 this Court may order where detainment is to occur.
- 11 3. That said Director be ordered to allow unfettered private and confidential access to
12 my client by this office without any undue delays, denial, interference, recording, to
13 avoid the Constitutional violations that have occurred, previously, such as the
14 approximate six (6) months of denial of access to my client when detained by
15 Madison County, recording of confidential communications, access of these
16 confidential communications by Madison Detectives, Prosecution, etc.

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20 In addition, given the fact that Defendant is indigent, and funds have not been
21 made available or denied for Defense Counsel's fees or costs (for example:
22 subpoena expense of Mrs. Melanie Gibb, subpoena expenses of Madison Sheriff
23 Department, subpoena expenses of Mrs. Heather Daybell, multiple external hard
24 drives purchases, previously demanded by the Prosecution be presented to said
25 prosecution to facilitate discovery responses, including travel to from Prosecution's
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1 office to facilitate these mandatory responses of the prosecution) were direct costs
2 of Counsel to further protect Defendant's rights to a fair trial), interruptions or
3 denial of access to client is an unnecessary and direct personal financial costs of
4 Counsel, that can easily be avoided by Order of this Court.
5

- 6 4. Given the incredible "cure" rate of said Department in regard to treatment of
7 previously deemed incompetent defendants, that all individuals involved with the
8 treatment of Defendant be identified and their credentials presented to Defense
9 Counsel in advance of any treatment or the like of defendant.
- 10 5. That any proposed treatment information/plans/course/medications be presented
11 to Defense Counsel prior to the implementation of treatment, medication, or the
12 like.
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- 14 6. That the treatment be in compliance with the recommendations of the Court
15 appointed Evaluator as evident by the report provided to Court.
- 16 7. That my client's rights, protected by the U.S. Constitution of self-incrimination, (5th
17 Amendment) be protected and enforced at all times and that no communications,
18 within treatment or outside of treatment, or the like, be engaged with Defendant, at
19 any time, outside of Defense Counsel presence or without Defense Counsel's
20 express authorization.
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1 8. That a “gag” order be issued, by this Court, to this Director and to any of the
2 Director’s employees, state officials, treating personal, and or individuals involved
3 with the “day to day” treatment, detainment, supervision of the Defendant.¹
4

5 9. Further order of the Court as Deemed fit, necessary, and proper by this Court.

6 If the Court would like to address these concerns, Counsel would request oral
7 arguments be heard prior to any transfer of custody of Defendant from Madison
8 Detention Center/Sheriff’s Department to the Director of Idaho Department of Health
9 and Welfare.

10
11 **That I Certify (or declare) under penalty of perjury pursuant to the Law of the State of
Idaho that the foregoing is true and correct.**

12 DATED this _____ day of June 2021.

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14 _____
15 Mark L. Means
16 Advocate for Mrs. Lori Daybell
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25 _____
26 1 Please see previously filed Declaration of Madison County Sheriff’s
Deputies discussing Defendant’s abnormal behavior with Dateline Correspondent
Keith Morrison and said Sheriff’s Department failure to comply with previous
and recent subpoena for information regarding said discussions.

CERTIFICATE OF SERVICE

The undersigned certifies that on this 11 day of June 2021, I caused a true and correct copy of the FOREGOING document to be forwarded by the method(s) indicated below, to the following:

MADISON COUNTY PROSECUTING ATTORNEY Efile
Email: mcpo@madison.id.us

Mr. John Prior Efile
Email: john@jpriorlaw.com

DATED this 11 day of June 2021.

Mark L. Means
Advocate for Mrs. Lori Daybell