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Attorneys 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,  vs.  LORI VALLOW DAYBELL,  Defendant.</p>	<p><b>Case No. CR22-21-1624</b></p> <p><b>NOTICE OF INTENT NOT TO RAISE MENTAL HEALTH DEFENSE</b></p>
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Come now the attorneys for the Defendant, and pursuant to Idaho Code 18-207, give notice of their intent not to raise a mental health defense at the guilt-phase portion of the trial:

1. Idaho Code 18-207 provides that a list of expert witnesses be disclosed at least 90 days prior to trial if the defense intends to call the experts to negate an element of a crime. This advance disclosure is required for the guilt-phase portion of the trial.

2. The Defendant's mental health has been evaluated and litigated since the first filing in this case. She spent 10 months at a mental health facility in Idaho, and received mental health care from the experts employed by the State of Idaho.
3. The defense hired three independent mental health experts to review and evaluate her mental health.
4. Due to ongoing mental health concerns while this case has been pending, the Court conducted an evidentiary hearing on November 10, 2022, to determine if she was competent to stand trial. On November 15, 2022, the Court ruled that she was competent to stand trial.
5. Although still suffering from a mental illness, the defendant is taking an active role in her defense. She has previously reviewed all of the discovery provided to her by the state and her attorneys. She has consulted with the three mental health experts. She does not want to proceed with a mental health defense to negate an element of a crime in this case. She has not authorized her attorneys to proceed with a mental health defense in the guilt-phase portion of the trial. Her attorneys are respecting her autonomy and her rights granted to her by the Constitution of the United States.
6. If she is found innocent of the charges, then no such disclosure of expert witnesses will be necessary. If she is convicted by a jury, then the defense will call witnesses, including experts, in support of mitigation during the sentencing hearing.

Dated: January 3, 2023

/s/ Jim Archibald  
R. James Archibald, Esq.

Certificate of Service

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

Lindsey A. Blake, Esq. efile and serve

Robert H. Wood, Esq. efile and serve

Dated: January 3, 2023

/s/ Jim Archibald  
R. James Archibald, Esq.