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

STATE OF IDAHO,	)	
	)	Case No. CR22-21-1624
Plaintiffs,	)	
	)	
v.	)	<b>MEMORANDUM IN SUPPORT OF</b>
	)	<b>MOTION TO ALLOW VICTIMS TO</b>
	)	<b>BE PRESENT AT ALL CRIMINAL</b>
	)	<b>JUSTICE PROCEEDINGS AND</b>
LORI VALLOW DAYBELL,	)	<b>DESIGNATE A PERSONAL</b>
	)	<b>REPRESENTATIVE</b>
Defendant.	)	

I Shanon L. Gray am an attorney licensed in the State of Idaho.

I represent Larry and Kay Woodcock who are the biological grandparents of the victim J.J. Vallow in the above referenced matter.

I make this Memorandum in Support of the Motion to Allow Victims To Be Present at All Criminal Justice Proceedings and Designate a Personal Representative for the immediate family of J.J. Vallow.

The Court currently has before it a motion by Defense Counsel to exclude the victim's family (Larry and Kay Woodcock) from being present in the courtroom during trial.

As Counsel for the Woodcock's, I was hired today and was not able to be present for the oral arguments on the matter.

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**RELEVANT FACTS**

1. Kay Woodcock is he biological grandparent of the victim J.J. Vallow.
2. On May 25, 2012, J.J. Vallow (“J.J.”) was born in Lake Charles, LA to his parents  
Dennis Todd Trahan (son of Kay Woodcock) and Mandy Leger.
3. At the time of J.J. Vallow’s birth he was in the custody of the State of Louisiana  
based on his parents’ inability to care for him. J.J. was taken home from the  
hospital by Larry and Kay Woodcock (“Woodcocks”) to their home.
4. In June 2012, the State of Louisiana granted custody and caregiver status to the  
“Woodcocks to take care of J.J.
5. In February of 2013, Charles Vallow (the brother of Kay Woodcock and Uncle of  
Dennis Trahan-biological father) adopted J.J.
6. At the time of the adoption Charles Vallow was married to Lori Vallow and she  
became J.J.’s adopted mother.
7. From 2014 to 2016, J.J. lived in Hawaii with his adoptive parents Charles and Lori  
Vallow.
8. During this time the Woodcocks continued to have constant contact with their  
grandson J.J. and travelled to Hawaii on at least 6 occasions.
9. In 2016, Charles and Lori Vallow moved back to Phoenix, AZ until they separated  
in January of 2019.
10. Upon the separation, Charles Vallow retained physical custody of J.J. and moved to  
Houston, TX in March of 2019.
11. While on a visit to see J.J. in Mesa, AZ in July of 2019 Charles Vallow was  
murdered by Alex Cox.
12. After the murder of Charles Vallow, J.J. was in the custody of Lori Vallow until his

1 murder occurred in September 2019.

2 13. The Woodcock's have been a part of J.J.'s life since his birth and have maintained  
3 constant contact with their grandson throughout his life. The Woodcock's are the  
4 closest biological relatives that J.J. has other than his father Dennis Trahan who is  
5 is still alive and some aunts, uncles and cousins on Charles Vallow's side of the  
6 family. J.J. also has some adoptive brothers. J.J.'s biological mother (Mandy  
7 Leger) has passed away.  
8

### 9 APPLICABLE LAW

10 It is very clear that Victim's rights in criminal cases are governed by Article I, Section  
11 22 of the Idaho State Constitution and Title 19 Chapter 53 of the Idaho Statutes. These are  
12 basic rights that are given to all victims of crimes in Idaho. The statute and the articles of the  
13 Constitution are meant to be a guide for the Courts when it comes to addressing victim's  
14 rights.  
15

16 Idaho State Constitution-Article I Declaration of Rights-Section 22. RIGHTS OF  
17 CRIM VICTIMS. A crime victim, as defined by statute, **has** the following **rights**:

- 18 1) To be treated with fairness, respect, dignity and privacy throughout the criminal  
19 justice process.
- 20 2) To timely disposition of the case.
- 21 3) To prior notification of trial court, appellate and parole proceedings and, upon  
22 request, to information about the sentence, incarceration and release of the  
23 defendant.
- 24 4) **To be present at all criminal justice proceedings.** Etc....

25 Under Title 19-5306 (5), the definition of "victim" is defined as "an individual who  
26 suffers direct or threatened physical, financial or emotional harm as the result of the  
27 commission of a crime."

28 This definition is enhanced in 19-5306 (3), in stating "The provisions of this section  
29 shall apply equally to the immediate families of homicide victims...The court may designate a  
30 representative from the immediate family to exercise these rights on behalf of a deceased..."

31 Under the both the Idaho State Constitution and the Idaho Statutes the crime victim has  
32 the following rights:

- 1) To be treated with fairness, respect, dignity and privacy throughout the criminal justice process;
- 2) Permitted to be present at all criminal justice proceedings;
- 3) To timely disposition of the case;
- 4) To communicate with the prosecution;
- 5) To be heard, upon request, at all criminal justice proceedings...unless manifest injustice would result.....

These are rights that the State of Idaho have given to crime victims. The application of these rights are not discretionary to the Court.

### ARGUMENT

It is my understanding that Defense Counsel objects to the presence of Larry and Kay Woodcock in the courtroom during the trial. I was not present for their argument but my understanding of issues brought up by the Defense was that the Woodcock's fall under the definition of victim's but do not fall under the definition of "immediate family" as referenced by the Defense.

It appears that the Court is relying on State v. Payne and State v. Shackelford. Other cases that may be applicable are State v. McNeil and State v. Hansen. All these cases refer to the definition of "immediate family" as related to victim impact statements and restitution. Both of which can have an impact on the Defendant's sentence and financial obligations. That is not the issue in this matter. There is no impact on the Defense by the presence of the Woodcock's attending all judicial proceedings. This is just about allowing the victims of a horrific crime to be present in the courtroom.

There is nothing about the **presence** of victims at a trial that would affect the Defendant in any possible way. The purpose of the Idaho Constitution -Section 22 is to give the rights to victims. One of the most important one is for a victim "To be present at all

1 criminal justice proceedings.” As referenced in the Hansen case the:

2 “” Idaho Constitution directs the Legislature to define “crime victim.” Idaho Const.  
3 art.I, Section 22. As such, I.C. Section 19-5306 (5)(a) defines a victim as “an individual who  
4 suffers direct or threatened physical, financial, or emotional harm as the result of the  
5 commission of a crime or juvenile offense.” I.C. Section 19-5306 (5)(a). For homicide victims,  
6 however the victims rights extend to the victim’s immediate family because the victim is  
7 deceased. I. C. Section 19-5306 (3); see also State v. Payne, 146 Idaho 548, 575, 199 P.3d 123,  
8 150 (2008)”

9 It is clear that that the Woodcock’s are victims in this case and have been given rights  
10 under the Idaho Constitution. Interpreting the language of I.C. 19-5306 the purpose  
11 of the statute was to offer additional clarification in determining who can receive  
12 compensation when a person has been killed. The ability to obtain compensation (restitution)  
13 for the deceased is passed on to the “immediate families of homicide victims” which precludes  
14 all victims from claiming restitution for a homicide victim.

15 This is the same logic that was used in State v. Payne, State v. McNeil and State v.  
16 Shackelford regarding victim impact statements. Only immediate family members are allowed  
17 to give victim impact statements on cases because of the affects it has on sentencing and the  
18 Defendant.

19 Additionally, all the areas of the Idaho Codes that define the term “immediate family”  
20 are all related to a right or privilege. I.C. Section 15-5-315, guardian ad litem status, I.C.  
21 Section 20-101C, prison furlough purposes, I.C. Section 41-1325, insurance fraud regulations  
22 and I.C. Section 44-160, farm labor contract licenses.

23 The purpose of these sections is to preclude **multiple** family members from claims or  
24 causes of action under those Idaho Codes and allow only causes of action for “immediate  
25 family”. This is done by limiting the definition of family members and narrowing claims to  
26 “Immediate family members.”.

1  
2 This is not the case when it comes to victims of crimes. There is nothing in Idaho Code  
3 or in the Idaho Constitution that precludes the right of a victim “To be present at all criminal  
4 justice proceedings.”

5 Therefore, the above cases referenced do not apply to the Woodcock’s being present in  
6 the courtroom and all judicial proceedings as they are victims under the statute and their  
7 presence causes no harm to the Defendant.

8  
9 If the Court upon conviction of the Defendant wants to preclude them from making a  
10 claim for restitution or submitting a victim’s impact statement that is something the Court can  
11 address at that time. Therefore, the above cases cited are moot and do not apply to the rights  
12 of victims to be present during all criminal justice proceedings.

13 **SECONDARY ARGUMENT**

14 If for some reason the Court does believe that the definition of “immediate family”  
15 applies to whether the Court should allow the Woodcock’s to be present for the trial and all  
16 criminal justice proceedings the Court should designate the Woodcock’s as a representative  
17 for the immediate family of J.J. Vallow.

18  
19 Under the definition of “immediate families” the Court is allowed to “designate a  
20 representative from the immediate family to exercise these rights on behalf of the deceased...”

21 J.J. Vallow has no immediate family. The only person who could be considered  
22 immediate family under the statute would be the Defendant who is charged with murdering him  
23 or his biological grandparent. I would presume the Court would prefer to designate the  
24 Woodcocks as a representative from his immediate family to exercise these rights on behalf of  
25 the deceased (J.J. Vallow).  
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CERTIFICATE OF SERVICE

I hereby certify that I have served this Memorandum in Support of the Motion to Allow Victims Family to be Present at All Criminal Justice Proceedings and Designate a Personal Representative on all parties listed below by e-filing these documents on March 31, 2023.

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DATED this 31<sup>st</sup> day of March, 2023.

By: /elec.sign. Shanon L. Gray

Shanon L. Gray, IDB# 12061  
Attorney for WoodcockFamily