

**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

ORDER

On March 31, 2023, Shanon Gray presented for filing to the Court a NOTICE OF APPEARANCE, a MOTION TO ALLOW VICTIMS FAMILY TO BE PRESENT AT ALL CRIMINAL JUSTICE PROCEEDINGS AND DESIGNATE A PERSONAL REPRESENTATIVE, along with a MEMORANDUM IN SUPPORT [of that motion]. The Court cannot consider these filings because neither of Mr. Gray's clients—Kay Woodcock and Larry Woodcock—have standing to petition the Court because they are not parties to this case.

Idaho caselaw makes clear that the exclusive parties to criminal cases are the State and the Defendant. No intervention by any further party is permitted in a criminal proceeding, including intervention sought by a victim.

The **only** parties to a criminal action are the State and the defendant. I.C. § 19-104 (“A criminal action is prosecuted in the name of the state of Idaho, as a party, against the person charged with the offense.”)

State v. Poe, 170 Idaho 34, 506 P.3d 897, 903 (2022) (emphasis added).

Further, *State v. Johnson*, 167 Idaho 454, 470 P.3d 1263 clarifies:

Similarly, a court lacks jurisdiction to hear a case if a person does not have standing because the case or controversy requirement for judicial power cannot be satisfied. *Martin v. Camas Cty. ex rel. Bd. Comm'rs*, 150 Idaho 508, 512, 248 P.3d 1243, 1247 (2011). Standing issues may arise when a non-party attempts to make a

motion to the trial court. *See State v. Draper*, 151 Idaho 576, 597, 261 P.3d 853, 874 (2011). In *Draper*, the Idaho Supreme Court found the district court's deferment to a procedural request by the presentence investigator troubling because "as the investigator was not a party to the case, he or she has no standing to make a motion to the court. Simply put, it was not the investigator's role to request a different procedure for the [presentence investigation report]." *Id.*

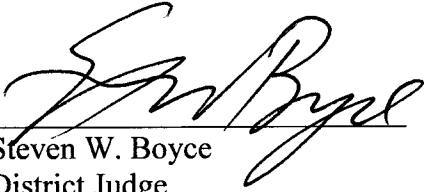
Under Idaho's current statutory scheme, crime victims are not parties to a criminal case [...] and therefore lack standing to pursue a motion independently of a party.

State v. Johnson, 167 Idaho 454, 457–58, 470 P.3d 1263, 1266–67 (Ct. App. 2020).

Accordingly, the Court will strike the filings and not consider them in reaching any decision in the matter pending.

IT IS SO ORDERED.

Dated this 5 day of April, 2023.


Steven W. Boyce
District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of April, 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:

Lindsey Blake
prosecutor@co.fremont.id.us

Robert H. Wood
mcpo@co.madison.id.us

Rachel Smith
smithlawconsulting@outlook.com
Attorneys for State of Idaho

Jim Archibald
Jimarchibald21@gmail.com

John Thomas
jthomas@co.bonneville.id.us
Attorneys for Defendant

Shanon Gray
shanon@graylaw.org
Attorney for Non-party Woodcocks

Clerk of the District Court
Fremont County, Idaho

by Shannon Holstine
Deputy Clerk 4/6/2023 8:05:44 AM