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Attorney for Defendant

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO,	)	Case No. CR38-26-1685
	)	
Plaintiff,	)	FIRST AMENDED MOTION FOR
	)	BOND REDUCTION AND
vs.	)	REQUEST FOR HEARING
	)	
ANDREA RENEE SHAW,	)	
	)	
Defendant.	)	
	)	

COMES NOW the Defendant, Andrea Renee Shaw, by and through her attorney of record, Joseph P. Filicetti of Filicetti Law Office, P.A., and, pursuant to Article I, Section 6 of the Idaho Constitution, Idaho Code § 19-2903, and Idaho Criminal Rule 46, hereby moves this Court for entry of an order reducing bail from \$2,000,000 to \$100,000, together with reasonable conditions of release.

THIS AMENDED MOTION is based upon the pleadings, papers, records, and files in the above-entitled action, the Affidavit of Wendy Marie Shaw and the Affidavit of Angela Wulbrecht, R.N., with exhibits, filed herewith, and the memorandum set forth below.

REQUEST FOR HEARING

PLEASE TAKE NOTICE that the District Court has set this motion for hearing on July 14, 2026, at 1:30 p.m. In light of the constitutional preference for bail and the Defendant's immediate postpartum medical circumstances, described below, the Defendant respectfully requests that the Court hear and decide this motion at the earliest opportunity.

FACTUAL BACKGROUND

1. The Defendant, Andrea Shaw, was arrested on or about June 30, 2026, in Boise, Ada County, Idaho, upon a Grand Jury Indictment, with bond set at \$2,000,000. Upon information and belief, the Grand Jury was not informed of the significant shortcomings in the State's allegations described below.
2. The State alleges in the Indictment (with both counts summarized together) that Andrea Renee Shaw did willfully, unlawfully, deliberately, with premeditation, and with malice aforethought, and/or in the perpetration of an aggravated battery upon a child under the age of twelve years, kill and murder D.S. and T.S., twin children approximately eighteen months old, by suffocating them, resulting in their deaths.
3. The Defendant filed a Request for Discovery on July 2, 2026. My office received the first batch of discovery today, July 13, 2026, at approximately 10:52 a.m. We have not had a chance to review any of that information.
4. The State's theory of the case remains unknown. There is no confession, no admission, and no witness to the crimes alleged. Certain facts, however, are known and are not in dispute. They include the following:
5. Andrea ensured that the twins were current on the recommended vaccination schedule. On April 23, 2025, at their eighteen-month wellness visit at Snake River Pediatrics, the twins

received a fluoride treatment, a flu shot, a Tdap (tetanus, diphtheria, and pertussis) shot, and a Hepatitis A shot. Before the shots were given, both Andrea and her mother-in-law, Wendy Marie Shaw, warned the pediatric office of prior severe adverse reactions to the flu shot suffered by Nathaniel (“Nate”) Shaw, Andrea's husband, and by Wendy, Nate's mother. The office administered the flu shot anyway, with the nurse practitioner assuring Andrea and Wendy that the twins had “only 50% of Nate's DNA” and that a family history of reactions to the flu vaccine did not mean the twins would react to it, too. See Snake River Pediatrics, **Exhibits A and B**, attached and incorporated herein.

6. On the morning of April 24, 2025, both twins were turning blue around their mouths from lack of adequate oxygen, indicating a cyanotic state. They were extremely lethargic, had unusual green diarrhea in their diapers upon waking, and were unable to walk more than a few steps; D.S. lay as dead weight in her mother's lap. This was highly unusual for the normally happy and active toddlers. Andrea immediately consulted with both her mother and her mother-in-law, who upon seeing the twins on the screen said, “They look like they're dying!” Andrea agreed the children needed urgent medical attention and took them immediately to the St. Luke's Emergency Department in Fruitland. Dr. Jason M. Wilhelmsen, M.D., examined the twins and recorded their chief complaint as “fever.” The visit diagnoses were “Post-immunization reaction, initial encounter” and “Fever.” See **Exhibit C**, St. Luke's Emergency-Fruitland, April 24, 2025, p. 5 (D.S.), and **Exhibit D**, St. Luke's Emergency-Fruitland, April 24, 2025, p. 5 (T.S.), attached and incorporated herein.

Dr. Wilhelmsen further charted in the encounter notes with respect to DS (verbatim):

Patient is a 18 m.o. female presenting to the ED with chief complaint of fevers and decreased activity level. The mother of child states that she has noticed today that the including her twin have decreased activity levels and some fevers by feeling warm. Mom has not checked the temperature is says it she feels warm and has had

decreased activity and just wants to lay around. She has not had runny nose or cough. No shortness of breath. Has been drinking fluids well. Making wet diapers. Of note they did see their pediatrician yesterday and had fluoride also flu shot as well as Tdap shots. Mom has given no medications to help with the symptoms at this time.

Id. **Exhibit C** at p. 7 (errors in original). Dr. Wilhelmsen concluded:

Patient's [sic] are not toxic in appearance and we will treat with acetaminophen and make sure he can take down oral fluids but otherwise I think this is related to get [sic] immunizations yesterday.

Id. **Exhibit C** at p. 9 (errors in original).

With respect to TS, Dr. Wilhelmsen also wrote:

Patient is a 18 m.o. male presenting to the ED with chief complaint of feeling warm with decreased activity after getting immunizations. Mom states that she has noticed today that he has a decreased activity level and wanting to lay around. Skin felt very warm. No medications tried at home. Of note the patient did also receive immunizations yesterday. Has not had runny nose or congestion has been drinking fluids well this morning and making wet diapers. Sibling that is a twin also sick which received same immunizations yesterday. No difficulty with breathing. Mom states that after drinking fluids this morning had 1 episode of vomiting has not had diarrhea. Has keep down fluid since then.

Id., **Exhibit D** at p. 7 (errors in original). Dr. Wilhelmsen concluded:

The patient presents to the emergency department for the evaluation of decreased activity and possible fever. The patient's exam was significant for good eye contact and with examination is very active but overall appears nontoxic but decreased amount of activity. I reviewed the history provided by nursing. A partial list of diagnosis considered in the evaluation of this patient including febrile illness, viral syndrome, postimmunization fever reaction, dehydration,

Id. **Exhibit D** at p.9 (errors in original).

7. Through the following week, the twins remained lethargic and wanted only to be held.

They continued to have severe diarrhea despite Andrea placing them on a BRAT (bananas, rice, applesauce, toast) diet on the advice of the Snake River Pediatrics office, and they were unable to take in normal amounts of food. On April 30, 2025, Andrea contacted Snake River Pediatrics and asked to speak with Chelsie Lewis, the nurse practitioner who had ordered the vaccines at the April 23, 2025 visit. Ms. Lewis was not available. Another

nurse told Andrea to give the twins Tylenol and a fifty-percent solution of Pedialyte. Andrea asked to bring the twins into the office, and the nurse told her there were no openings for walk-ins that day. Upon information and belief, none of this was charted in the twins' medical records.

8. That evening, the twins attended a family recital with Andrea and their grandmother, Wendy. D.S. went to bed early, at approximately 5:00 p.m. T.S. played with his eight-year-old cousin, fell and bruised his head, recovering quickly, and then went to bed. Early the next morning, May 1, 2025, Andrea checked on the twins and they appeared to be sleeping. When Andrea next went to the twins, she first came upon T.S., who was closest to her. When she turned him over, he was cold, and she immediately ran to call 911 and began CPR on T.S. Police officers arrived shortly after her call, and only then did Andrea discover, at the same time as the responding officers, that D.S. had also passed away in her bed. The police immediately suspected homicide and foul play. Andrea was a grieving parent who had repeatedly sought medical advice for her children and had been turned away by the medical system. Police questioned Andrea and Nate separately without the presence of an attorney, immediately after losing their twins.
9. At the time of her arrest, Andrea had just given birth by Caesarean section on June 25, 2026, three weeks prematurely. The newborn, a baby girl, KHS, spent one night in the NICU before being reunited with Andrea. Before her arrest, Andrea was breastfeeding, supplemented with formula until her milk fully came in. Since Andrea's arrest, the newborn has subsisted solely on formula, which she accepts inconsistently. The baby needs her mother in order to feed.

10. Andrea's entire network of family and support is located in the Payette, Idaho and Ontario, Oregon area. She has worked as a life coach for her brother's business. She and her husband, Nate, moved to Boise shortly after the twins' deaths because of public harassment and extreme hostility following multiple negative media reports about the investigation of this case that presumed Andrea's guilt. She has lived only in Payette or Boise since 2015. She has remained in faithful contact with defense counsel's office and has done absolutely nothing to avoid detection or to avoid facing potential charges.
11. Andrea has no criminal record of any kind—not even a speeding or parking ticket. There are no allegations of past violence of any kind. She has no failures to appear. She does not own a passport. She attends church in Payette and has the support of her church family.
12. Qualified experts are assembling to assist in Andrea's defense. As set forth in the accompanying Affidavit of Angela Wulbrecht, R.N., an obstetrical nurse with twenty-six years of experience who has known Andrea since shortly after the twins' deaths, Andrea has at all times conducted herself as a loving, attentive, conscientious, and protective mother, and she and her family welcomed—indeed invited—independent forensic review of the twins' deaths. See Affidavit of Angela Wulbrecht, R.N., ¶¶ 11–37 and Exhibits A–D thereto. While the defense has not seen the State's evidence or testimony due to the State's use of the Grand Jury, the State's case is, at best, circumstantial, and the defense expects substantial expert testimony disputing the State's allegations.
13. Of immediate and emergency concern is Andrea's postpartum condition. A nurse expert consulted by the defense has identified the following recognized medical risks and needs of a mother in the weeks following a Caesarean delivery, which can be reduced to affidavit form if the Court so requests: breastfeeding and milk expression (to reduce the risk of

engorgement, plugged ducts, and mastitis, which untreated can progress to abscess or serious infection); postpartum blood-pressure monitoring (postpartum preeclampsia can develop days or weeks after delivery and, untreated, can cause seizures, stroke, or death); Caesarean incision care and monitoring for infection; risk of postpartum hemorrhage; risk of uterine and urinary-tract infection; pain management and mobility; substantially elevated risk of deep vein thrombosis and pulmonary embolism in the first weeks postpartum; screening and support for postpartum depression and anxiety, aggravated by separation from a newborn; and routine postpartum obstetric follow-up care.

LEGAL STANDARD

The Idaho Constitution guarantees the right to bail and prohibits excessive bail: “All persons shall be bailable by sufficient sureties, except for capital offenses, where the proof is evident or the presumption great. Excessive bail shall not be required, nor excess fines imposed, nor cruel and unusual punishments inflicted.” Idaho Const. art. I, § 6.

The Idaho Bail Act likewise provides: “Any person charged with a crime who is not released on his own recognizance is entitled to bail, as a matter of right, before a plea or verdict of guilty, except when the offense charged is punishable by death and the proof is evident or the presumption is great.” Idaho Code § 19-2903.

Even where the offense charged is punishable by death, bail remains available: “A person arrested for an offense punishable by death may be admitted to bail by any magistrate or district court authorized by law to set bail in accordance with the standard set forth in Article I, Section 6 of the Idaho Constitution.” I.C.R. 46(b). Under Idaho Code § 18-4004, first degree murder is punishable by death or imprisonment for life, “provided that a sentence of death shall not be

imposed unless the prosecuting attorney filed written notice of intent to seek the death penalty as required under the provisions of section 18-4004A, Idaho Code.”

Idaho Criminal Rule 46(c) directs the Court, in determining the amount and conditions of bail, to consider factors including: the defendant's employment status, history, and financial condition; the nature and extent of the defendant's family relationships; the defendant's past and present residences; the defendant's character and reputation; the persons who agree to assist the defendant in attending court at the proper time; the nature of the current charge and any mitigating or aggravating factors bearing on the likelihood of conviction and the possible penalty; the defendant's prior criminal record, if any, and any prior record of appearance; any facts indicating the possibility of violations of law if the defendant is released without restrictions; any other facts tending to indicate strong ties to the community; what reasonable restrictions, conditions, and prohibitions should be placed on the defendant's activities; and the results of any approved pretrial risk assessment. I.C.R. 46(c)(1)–(11).

The Court may reduce existing bail upon application of the defendant and a finding of good cause. I.C.R. 46(1)(2). “The fixing of bail and release from custody are matters traditionally within the discretion of the courts.” *State v. Currington*, 108 Idaho 539, 541, 700 P.2d 942, 944 (1985).

ARGUMENT

A. Andrea Is Bailable, and the Capital-Offense Exception Does Not Justify a \$2,000,000 Bond.

Under Article I, Section 6 and Idaho Code § 19-2903, bail is the rule, and pretrial detention through unattainable bond is the narrow exception, available only for an offense “punishable by death” and only “where the proof is evident or the presumption great.” Neither condition is satisfied here. Upon information and belief, the State has not filed the written notice of intent to seek the death penalty required by Idaho Code §§ 18-4004 and 18-4004A. And the State has made

no showing—by discovery, proffer, or otherwise—that its proof is evident or its presumption great: there is no confession, no admission, and no eyewitness, and fourteen days after indictment the State has produced no discovery until this morning. To the contrary, the contemporaneous medical records reflect a treating physician's working diagnosis of “Post-immunization reaction” the very week the twins' health declined. Even if this were treated as a capital case, Rule 46(b) expressly authorizes this Court to admit Andrea to bail. On this record, a \$2,000,000 bond operates as an order of detention in all but name and constitutes precisely the “excessive bail” that Article I, Section 6 forbids.

B. Every Rule 46(c) Factor Favors a Substantial Reduction.

Bail exists to ensure the Defendant's attendance at court, and the Rule 46(c) factors measure that risk. Each factor favors Andrea. She has worked as a life coach for her brother's business and was living in a mobile home at the time of this tragedy; a \$2,000,000 bond is far beyond her family's means (factor 1). Her entire family and support network is in the Payette and Ontario area, including her husband, in-laws, and grandparents, with whom she will reside (factors 2, 3, and 9). She is by reputation sweet, quiet, and gentle, keeps to herself, and has consistently maintained her innocence throughout the investigation (factor 4). Her mother-in-law, Wendy Marie Shaw, together with the extended family and counsel's office, will personally ensure her appearance at every hearing, as set forth in the accompanying affidavit (factor 5). The State's case is circumstantial and contradicted by the treating physician's own records, and the defense will present substantial expert testimony (factor 6). Andrea has no criminal record whatsoever and no failures to appear (factor 7). Nothing in her history suggests any likelihood of new violations if released (factor 8). And she affirmatively proposes strict conditions of release (factor 10). She

knew for more than fourteen months that she was under investigation, and she stayed. If Andrea were going to flee, she would have done so long ago.

C. Andrea's Postpartum Condition and Her Newborn's Needs Require Prompt, Tailored Relief.

Andrea was arrested five days after a premature Caesarean delivery. She faces the recognized postpartum medical risks catalogued above—including postpartum preeclampsia, infection, hemorrhage, and thromboembolism—which require continuity of obstetric care that is difficult to guarantee in custody. Her newborn, born three weeks premature, is accepting formula inconsistently and needs her mother. These circumstances do not merely evoke sympathy; under Rule 46(c) and (e), they demonstrate that tailored, least-restrictive conditions of release—not a prohibitive money bond—are the appropriate means of protecting every legitimate interest while this critical recovery and bonding period runs. Andrea will agree to any conditions the Court requires, but she dearly wants to be with her newborn daughter and her larger family during this challenging prosecution.

D. Proposed Conditions of Release.

Pursuant to Rule 46(e)(1), Andrea proposes, and agrees to abide by, the following conditions: (1) she will reside with her in-laws or grandparents in a multi-family household in Payette County, Idaho, or Ontario, Oregon, at an address verified to the Court; (2) she will have contact with her newborn only in the presence of another adult family member, and the Court's existing condition regarding children under eighteen may be modified accordingly; (3) she will not travel outside the area approved by the Court without prior permission (We are specifically requesting that area be expanded to include Ontario due to the safety of living outside of Payette County); (4) she does not own a passport and will not obtain one; (5) she will check in with pretrial

services or counsel's office as the Court directs; and (6) she will comply with any other condition this Court finds necessary. Andrea further notes that, under Rule 46(f), bail may be posted by cash deposit, property bond, or surety bond, and the Court “must not require that bail be posted only in cash.”

E. A \$100,000 Bond Fully Serves the State's Interests; Anything More Is Punitive.

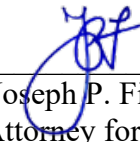
Bail is for the purpose of ensuring the Defendant's attendance at court; it is not an instrument of pretrial punishment. Idaho Const. art. I, § 6. Andrea is neither a flight risk nor a danger to the community, and a \$100,000 bond, combined with the conditions proposed above, fully secures the State's interest in her appearance at all future hearings. On this record, the only practical difference between a \$2,000,000 bond and a \$100,000 bond is that the former keeps a presumptively innocent, postpartum mother—who was living in a mobile home at the time of this tragedy—in jail, separated from her newborn, while she prepares to defend against allegations the State has yet to support with any disclosed evidence. That effect is punitive, and the Constitution forbids it.

CONCLUSION

For the foregoing reasons, and consistent with Idaho Constitution Article I, Section 6, Idaho Code §§ 19-2903 and 18-4004, Idaho Criminal Rule 46, and *State v. Currington*, 108 Idaho 539, 700 P.2d 942 (1985), the Defendant respectfully requests that this Court reduce bail to \$100,000, subject to the conditions proposed above or such other reasonable conditions as the Court deems necessary to assure her appearance.

DATED this 13th day of July, 2026.

FILICETTI LAW OFFICE, P.A.



Joseph P. Filicetti
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of July, 2026, I caused a true and correct copy of the foregoing to be forwarded by the method(s) indicated below to the following persons:

Payette County Clerk
1130 3rd Ave. N.
Payette, ID 83661

Hand Delivery ☐
U.S. Mail ☐
Facsimile ☐
E-File ☒

Payette County Prosecutor
1115 1st Ave. N.
Payette, ID 83661
prosecutingattorney@payettecounty.org

Hand Delivery ☐
U.S. Mail ☐
Facsimile ☐
E-File ☒

/s/ Rheanna Moser

Rheanna Moser
Legal Assistant