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**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO

Plaintiff,

V.

BRYAN C. KOHBERGER,

Defendant.

CASE NUMBER CR01-24-31665

**REPLY TO STATE'S OBJECTION TO
DEFENDANT'S MOTION TO STRIKE
THE DEATH PENALTY ON GROUNDS
OF STATE SPEEDY TRIAL
PREVENTING EFFECTIVE
ASSISTANCE OF COUNSEL**

COMES NOW, Bryan C. Kohberger, by and through his attorneys of record, and submits the following Reply to the State's Objection to his Motion for an Order striking the State's Notice Pursuant to Idaho Code § 19-4004A on the grounds that Idaho's statutory and

constitutional guarantee to a speedy trial prevents effective assistance of counsel in death penalty cases.

Interestingly, the State impliedly concedes that having to choose between two constitutional rights would violate the constitution by focusing its entire brief on what the Idaho Constitution guarantees a defendant by way of a speedy trial. The State denies that the Idaho Constitution guarantees a particular time frame for a trial, relying on cases from the Idaho Supreme Court that Mr. Kohberger argued must be overruled.

The State provides no authority that supports these cases, it merely insists that they are the authority and must be followed. This is unsurprising, as these cases lack the sort of analysis typically seen in cases considering what the constitution meant when it was ratified. *Compare State v. Lindsay*, 96 Idaho 474, 475 (1975), with *State v. Clarke*, 165 Idaho 393, 397, 446 P.3d 451, 455 (2019)).

Without any argument as to what the Idaho Constitution's speedy trial right meant to the framers, the State's objection provides little for Mr. Kohberger to respond to. He asks this Court to analyze the Idaho Constitution's guarantee and recognize that the framers expected better than the *Barker* factors to protect citizens from the government.

DATED this 24 day of October, 2024.

BY: 

JAY W. LOGSDON
FIRST DISTRICT PUBLIC DEFENDER

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served as indicated below on the 24 day of October, 2024 addressed to:

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