

Anne Taylor Law, PLLC  
Anne C. Taylor, Attorney at Law  
PO Box 2347  
Coeur d'Alene, Idaho 83816  
Phone: (208) 512-9611  
iCourt Email: [info@annetaylorlaw.com](mailto:info@annetaylorlaw.com)

Jay W. Logsdon, First District Public Defender  
Idaho State Public Defender  
1450 Northwest Blvd.  
Coeur d'Alene, Idaho 83814  
Phone: (208) 605-4575

Elisa G. Massoth, PLLC  
Attorney at Law  
P.O. Box 1003  
Payette, Idaho 83661  
Phone: (208) 642-3797; Fax: (208)642-3799

*Assigned Attorney:*

Anne C. Taylor, Attorney at Law, Bar Number: 5836  
Jay W. Logsdon, First District Public Defender, Bar Number: 8759  
Elisa G. Massoth, Attorney at Law, Bar Number: 5647

**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  
DEFENANT'S MOTION TO STRIKE  
MULTIPLE VICTIMS AGGRAVATOR**


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 to strike the multiple victims aggravator from the State's Notice Pursuant to Idaho Code § 19-4004A.

Mr. Kohberger had argued that Idaho's multiple victims aggravator is unconstitutional as it does not actually accomplish any narrowing except as a more specific form of the propensity

aggravator. The State in its Response ignores this argument, instead cherry picking from Mr. Kohberger's briefing and setting up its own strawmen arguments to knock down. This largely consists of reading the some of the authorities Mr. Kohberger cited for particular propositions, and then claiming he used them to stand for something else entirely, such as *Prosecutorial and Jury Decision-Making in Post-Furman Capital Cases*. Mr. Kohberger indicated that in Texas, the presence of multiple victims was important for determining future dangerousness. The State claims that Mr. Kohberger had argued that the article is against the use of multiple victims as an aggravator.

Mr. Kohberger does not think what he's arguing is so nuanced as to completely escape the State's ability to refute it, but given that the State provides no response to what he has argued, he sees nothing he can reply to. Mr. Kohberger asks this Court to strike the multiple victims aggravator as it merely doubles the propensity/future dangerousness aggravator, which he argues against on its own merits elsewhere.

DATED this 24 day of October, 2024.

BY:   
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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:

Latah County Prosecuting Attorney – via Email: [paservice@latahcountyid.gov](mailto:paservice@latahcountyid.gov)  
Elisa Massoth – via Email: [legalassistant@kmrs.net](mailto:legalassistant@kmrs.net)  
Jay Logsdon – via Email: [Jay.Logsdon@spd.idaho.gov](mailto:Jay.Logsdon@spd.idaho.gov)  
Ingrid Batey – via Email: [ingrid.batey@ag.idaho.gov](mailto:ingrid.batey@ag.idaho.gov)  
Jeff Nye – via Email: [jeff.nye@ag.idaho.gov](mailto:jeff.nye@ag.idaho.gov)

  
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