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

STATE OF IDAHO,
Plaintiff,

V.

BRYAN C. KOHBERGER,
Defendant.

Case No. CR01-24-31665

STATE’S OBJECTION TO
DEFENDANT’S MOTION TO
SUPPRESS AND MEMORANDUM
IN SUPPORT

RE: SEARCH WARRANT FOR
DEFENDANT’S APARTMENT

COMES NOW the State of Idaho, by and through the Latah County Prosecuting Attorney, and respectfully submits the following objection to the Defendant’s “Motion to Suppress and Memorandum in Support RE: Search Warrant for Defendant’s Apartment.”

The Defendant’s instant motion regarding the search of his residence in the State of Washington substantively parallels his Motions to Suppress “Pennsylvania Search Warrant for 119 Lamsden Drive, Albrightsville, PA and Statements Made,” the Pennsylvania Search Warrant for Mr. Kohberger’s person, and the Pennsylvania Search Warrant for the defendant’s vehicle.

To avoid unnecessary repetition, the State incorporates herein the “State’s Objection to Defendant’s Motion to Suppress and Memorandum in Support RE: Pennsylvania Search Warrant for 119 Lamsden Drive, Albrightsville, PA and Statements Made” which itself further incorporates the State’s responses to the Defendant’s *Franks* Motion and “Motion to Suppress RE: Genetic Information.”

Regarding the Defendant’s represented “FACTS,” and as opposed to relying on Defendant’s subjective summary and interpretation, the State respectfully refers the Court to Defendant’s “Exhibit A” in support of his Motion to Suppress RE: Search Warrant for Defendant’s Apartment (filed under seal). The State notes that the Defendant’s referenced “Exhibit A” for some reason does not include copies of the actual State of Washington Search Warrant and amendment to the Search Warrant for the Defendant’s apartment. Those documents are attached hereto as Exhibits S-1 and S-2, respectively.

APPLICABLE LAW

In his Memorandum, at page 5, the Defendant discusses what should be the applicable law between the States of Idaho and Washington. This is the same discussion the Defendant presented in his various motions regarding search warrants from the State of Pennsylvania. Similar to the State’s response to those motions, the State acknowledges that there appears to be little, if any, substantive differences between the applicable laws between the States of Idaho and Washington, and the State submits that under either law the Defendant’s Motion should be denied.

VALID SEARCH WARRANTS

Beginning at page 7 of his instant motion, the Defendant asserts that “The Affidavit Submitted in Support of the Application for the Issued Search Warrant Recklessly or Intentionally Omitted Material Information.” Substantively, this section of the Defendant’s motion merely refers to the Defendant’s separate *Franks* motion and argument. By way of preliminary response, the State notes that Idaho law clearly states that if “a search is conducted pursuant to a warrant, the burden of proof is on the defendant to show that the search was invalid.” *State v. Wilson*, 130 Idaho 213, 215 (Ct. App. 1997) citing to *State v. Kelly*, 106 Idaho 268 (Ct. App. 1984). Idaho recognizes the United States Supreme Court’s analysis and holding that “great deference is paid to the magistrate’s determination” for probable cause. *Id.* citing to *Illinois v. Gates*, 462 US 213 (1983) and *Spinelli v. United States*, 393 US 410 (1969) and *State v. Josephson*, 123 Idaho 790 (1993).

As demonstrated by the Washington Search Warrant and Amendment (Exhibits S-1 and S-2 to this Objection), the search of the Defendant’s residence was done pursuant to specific Washington Court-issued Search Warrants based on substantial probable cause.

As to the balance of Defendant’s submissions, the State respectfully refers the Court to, and incorporates herein, the State’s separate responses to the Defendant’s *Franks* motion and Motion to Suppress RE: IGG (Investigative Genetic Genealogy), and the State’s separate responses to the Defendant’s Motions to Suppress RE: Pen Trap and Trace and AT&T account.

CONCLUSION

Based on the above, the State respectfully request that the Court deny the Defendant's Motion to Suppress the Search Warrant for the Defendant's residence in the State of Washington.

RESPECTFULLY SUBMITTED this 6th day of December 2024.

A handwritten signature in black ink, appearing to read 'W. Thompson, Jr.', written over a horizontal line.

William W. Thompson, Jr.
Prosecuting Attorney

CERTIFICATE OF DELIVERY

I hereby certify that true and correct copies of the STATE'S OBJECTION TO DEFENDANT'S MOTION TO SUPPRESS AND MEMORANDUM IN SUPPORT RE: SEARCH WARRANT FOR DEFENDANT'S APARTMENT were served on the following in the manner indicated below:

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- Mailed
- E-filed & Served / E-mailed
- Faxed
- Hand Delivered

Dated this 6th day of December, 2024.


