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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: PENNSYLVANIA SEARCH  
WARRANT FOR WHITE  
HYUNDAI ELANTRA BEARING  
VIN: 5NPDH4AE6FH579860

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: Pennsylvania Search Warrant for White Hyundai Elantra Bearing VIN: 5NPDH4AE6FH579860."<sup>1</sup>

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<sup>1</sup> Defendant's filing refers to a "contemporaneously filed Motion for an Order suppressing all evidence gathered by law enforcement as a result of the entry into and search of Mr. Kohberger's vehicle." However, the State is not aware of a separate "contemporaneous" filing, so the State's response is only to the contents of the Defendant's singular "Motion to Suppress and Memorandum in Support."

The Defendant's instant motion regarding the Pennsylvania search of his car substantively parallels the Defendant's Motions to Suppress "Pennsylvania Search Warrant for 119 Lamsden Drive, Albrightsville, PA and Statements Made" and "For Mr. Kohberger's Person." 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," the State respectfully refers the Court to Defendant's Exhibits A and B filed in support of his Motion to Suppress "RE: 119 Lamsden Drive, Albrightsville, PA and Statements Made" as opposed to relying on the Defendant's subjective summary and interpretation that begins at p. 2 of the instant motion. The State further incorporates its Exhibits S-1 through S-6 to its Objection to Defendant's Motion to Suppress the 119 Lamsden Drive search warrant.

#### APPLICABLE LAW

In response to the Defendant's discussion (starting at p. 3) regarding applicable law, the State respectfully refers the Court to its written response (beginning at p. 2) of the State's Objection to the Defendant's Motion RE: 119 Lamsden Drive and incorporates the same herein.

#### STANDING

In response to the Defendant's argument (beginning at p. 5) of the instant motion regarding whether the Defendant had a reasonable expectation of privacy in his vehicle located at his parents' residence, the State does not dispute that the Defendant has this standing.

## VALID SEARCH WARRANTS

Beginning at page 6 of his instant motion, the Defendant asserts that “Pennsylvania Law Enforcement’s search warrant lacked probable cause.” 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 Pennsylvania search warrants (beginning at p. 5 of Exhibit A to Defendant’s Motion to Suppress RE: Search Warrant for 119 Lamsden Drive, and Exhibit 4 to the State’s Objection to Defendant’s Motion to Suppress RE: 119 Lamsden Drive), the searches questioned by the Defendant, including the search of the Defendant’s Hyundai motor vehicle, were done pursuant to specific Pennsylvania-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 vehicle.

RESPECTFULLY SUBMITTED this 6<sup>th</sup> 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: PENNSYLVANIA SEARCH WARRANT FOR WHITE HYUNDAI ELANTRA BEARING VIN: 5NPDH4AE6FH579860 were served on the following in the manner indicated below:

Anne Taylor  
Attorney at Law  
PO Box 2347  
Coeur D Alene, ID 83816  
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- Mailed
- E-filed & Served / E-mailed
- Faxed
- Hand Delivered

Dated this 6<sup>th</sup> day of December, 2024.

  
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