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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
SUPPRESS AND MEMORANDUM IN
SUPPORT**

**RE: PENNSYLVANIA SEARCH
WARRANT FOR 119 LAMSDEN DR.,
ALBRIGHTSVILLE, PA**

COMES NOW, Bryan C. Kohberger, by and through his attorneys of record, and respectfully submits the following Reply to the State's objection to his "Motion to Suppress and Memorandum in Support RE: Pennsylvania Search Warrant for 119 Lamsden Dr., Albrightsville, PA and Statements Made."

**REPLY TO STATE'S OBJECTION TO DEFENDANT'S MOTION TO SUPPRESS
AND MEMORANDUM IN SUPPORT RE: PENNSYLVANIA SEARCH WARRANT
FOR 119 LAMSDEN DR., ALBRIGHTSVILLE, PA**

First, it appears that the parties are in agreement on much of what law applies to the search of home. Several topics Mr. Kohberger addresses are more fully developed elsewhere and his replies to those will be filed in his other replies, i.e., *Franks*, IGG, Apple, Amazon, and AT&T Records.

That leaves the issue of how Federal and Pennsylvanian Law Enforcement conducted their raid. The State tries to draw out its fact section by restating things several ways on pages 6 and 7 of its objection, but it basically just boils down to “we knew he was in there and owned a gun”, which of course is true of most Americans. The State cites to not a single case similar to the facts here.

Instead, the State relies on a memorandum written by Police Sgt. Lang of the Pennsylvania State Police apparently to justify their actions. This odd document, never before disclosed, appears to have been written in response to Mr. Kohberger’s briefing, and includes no date. Basically, the police tell us they had to destroy the house to save the car, or some other evidence, from Mr. Kohberger’s rubber gloves. No legal authority is provided.

However, given that this statement now exists, the Court can compare this scenario with any number of cases. Just a couple of examples:

- *U.S. v. Gaither*, 871 F.Supp. 5, 6-7 (D.D.C. 1994): Forcible entry upheld where police loudly announced but could hear “sounds consistent with a constructive refusal”, and the subject was suspected of murder and believed well-armed.
- *Kornegay v. Cottingham*, 120 F.3d 392, 398-400 (3rd Cir. 1997): No knock entry found unjustified where suspect was suspected of murder, the murder weapon, a handgun, was missing, and he had a history of drug dealing and violent crimes.

Here, the police were concerned about making a “hasty” knock and announce, which apparently meant no knock and yelling from their bearcat, because Mr. Kohberger was wearing the same gloves millions of homeowners wear to do the dishes.

Two more things of note: According to the police, they had snipers watching Mr. Kohberger go from room to room, obviously greatly reducing his chances of posing much of a threat. And, although the State oddly claims it is not true, the FBI had been surveilling Mr. Kohberger since December 21 and had many occasions to take him into custody. The State had identified Mr. Kohberger on December 19, 2022 through Investigative Genetic Genealogy, the State had obtained aerial photographs of the Kohberger residence on December 21, 2022, the State had driven by the Kohberger residence on December 23, 2022 and followed Mr. Kohberger on December 24, 2022. Cameras were placed on his parents’ property on December 25, 2022 and trash was taken from the property on December 27, 2022.

The State seems to accept that a failure to abide by law as to knocking and announcing leads to the exclusion of what was found in Mr. Kohberger’s parents’ home. This Court must suppress this evidence.

DATED this 19 day of December 2024.

BY: 

JAY WESTON 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 19 day of December, 2024 addressed to:

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