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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: AMAZON ACCOUNT FEDERAL
GRAND JURY SUBPOENA AND
WARRANTS DATED APRIL 26, 2023
AND MAY 8, 2023**

COMES NOW, Bryan C. Kohberger, by and through his attorneys of record, and hereby submits the following Reply to the State's objection to his "Motion to Suppress and Memorandum in Support Re: Amazon Account Federal Grand Jury Subpoenas and Warrants dated April 26, 2023, and May 8, 2023."

As with other Motions to Suppress, the parties both provide fully developed arguments on some issues contained in the original Motion in other briefs, which for the sake of brevity will simply be incorporated into this one – those dealing with other search warrants, Franks and IGG in this case.


The main issue in this particular Motion to Suppress was the third party doctrine. Disappointingly, the State provides little of substance in its objection to Mr. Kohberger’s argument regarding the doctrine, its future, and how it currently exists within the Idaho Constitution. However, the State does make a somewhat interesting point about the differences between how this investigation might have looked before the digital age on pages 4 and 5 of its brief. In essence, the State argues that the internet does not matter, it is the act of shopping that controls.

This sort of thinking is precisely what the United States Supreme Court rejected in *Carpenter v. U.S.*, 585 U.S. 296, 309-10 (2018) and *Riley v. California*, 573 U.S. 373, 400 (2014). The Genie is out of the bottle. In the past, police would not have investigated every store that sells knives in the United States. They might have, given the sheer quantity of police involved in this case, covered a tri-state area. But time and cost would have prevented them from a massive search. Now, thanks to the wonders of the internet, the police were able to issue subpoenas and warrants to no small number of massive knife retailers. One of those online retailers is Amazon, whose presence nationally and internationally does not need recitation here. The upshot – the police can now issue warrants to far fewer corporations; in other words, investigating shopping today is like shooting fish in a barrel.

This is why the third party doctrine must be reexamined at the national level. If we the people do not wish to live under the ever present eye of the government, something must be done. In Idaho, Mr. Kohberger’s argument is that that something has already been done – it lies within *State v. Thompson*, 114 Idaho 746, 749 (1988), and Idaho’s protection of privacy.

This Court should hold the results of the subpoena and warrants to Amazon must be suppressed.

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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