

Filed Under Seal EXHIBIT A –

MOTION TO COMPEL I.C.R. 16(b)(7) Expert Disclosures

1. Daniel Anderson (See Exhibits S-1, S-1(a)-(d)): Mr. Anderson is a toxicologist. Nothing provided by the State indicates what his opinion is other than toxicology levels how he came to his opinions or the scientific or technical aspect of his work.
2. Nicholas Ballance (See Exhibits S-2, S-2(a)-(b)): Agent Ballance works in cellular analysis. This disclosure is a 30 pages of power point slides that are mostly pictures, with little to no explanation. The PowerPoint presentation is labeled a “report”. There is no explanation of what opinions he will testify to, what the slides show, how he came to his conclusions, what data he is relying on, or the method of analysis of the data. “SA Balance may testify to any of the subjects identified in his report and may identify and testify to the electronic data files, and location records identified in the materials made available to the Defendant.” The “subjects” are not identified, which electronic data files are not identified, what data within those files is not identified, which location records and for who, given that over 67 electronic devices and third-party data holders have been disclosed. “Specialized equipment” is listed, without explanation of what the equipment is, how it works, how it is validated, what it measures, and or how it “determines the true coverage of cellular towers in a geographical area.”
3. Heather Barnhart (See Exhibits S-3, S-3(a)-(c)): Ms. Barnhart is a director for a company called Cellebrite. Her disclosure is satisfactory. No objection.
4. Jared Barnhart (See Exhibits S-4, S-4(a)-(c)): Mr. Barnhart is a specialist for Cellebrite. His disclosure is also satisfactory. No objection.
5. Shane Cox (See Exhibits S-5, S-5(a)): Mr. Cox works at Amazon. It appears that the State intends to use him as a sort of records custodian. It is not clear how his testimony relies on expertise, or what his opinions are.

6. Chelsey Deisher (See Exhibits S-6, S-6(a)-(b)): Ms. Deisher is a toxicologist. Like Mr. Anderson before her, her disclosure does not provide any methodology or any scientific or technical information that would explain how she arrived at her opinions. No opinion other than toxicology quantity is disclosed.
7. Michael Douglass (See Exhibits S-7, S-7(a)-(c)): Mr. Douglass is a forensic accountant for the Federal Bureau of Investigation. The State indicates he is a lay witness, but suggests he may stray into expertise, although they provide no opinions or methodology. This “he might be an expert” disclosure does not pass the I.C.R. 16(b)(7) test. The State discloses 8 areas of financial transactions for 7 people that he will testify to but does not explain what those financial transactions are or what his opinions are about the transactions. He is listed as the person who will testify about “Defendant’s Amazon.com” click history, but not what the opinion is or what data he relies upon to form the opinion.
8. Anthony Imel (See Exhibits S-8, S-8(a)-(b)): Agent Imel is an expert because he uses a “Forensic, Audio, Video and Image Analysis Program”. It is not clear if that is an actual business name or his areas of expertise. No information has been provided about the “Program” if it is an actual scientific program. While the defense understands that Agent Imel decided that videos and pictures of a car were a particular make, model, year of a car, it remains unclear precisely which videos and pictures he relies on for his opinions, which seemed to evolve throughout his work on this case and what “expanded known information” referenced in his report he reviewed on November 26, 2022.
9. Catherine Mabbutt (See Exhibits S-9, S-9(a)-(e)): Ms. Mabbutt is an attorney and an elected Coroner. She testified at the Grand Jury as to the wounds on the bodies in this case. She is not a forensic medical examiner and the testimony the State proffers is beyond her expertise. The opinions provided in the disclosure are not her own. There is no

methodology disclosed. The State refers to the defense to “her grand jury testimony” as its expert disclosure.

10. Lawrence Mowery (See Exhibits S-10, S-10(a)): Detective Mowery is disclosed as an expert in the field of digital forensics “generally”. The State writes “this disclosure is provided as an aid: it does not encompass all finding, impressions, conclusions, or materials related to this expert’s involvement in this case.” The State then provides a list of fifty-three possible electronic devices and third party accounts he might have an opinion on. If the State would like him to provide an opinion at trial, it will have to disclose each, the specific opinion, the data relied upon, and the methodology.
11. Veena Singh (See Exhibits S-11, S-11(a)-(e)): Dr. Singh is a forensic medical examiner. Her disclosure is acceptable, but only draws more into question why the State is disclosing Ms. Mabbutt whose opinions go further than Dr. Singh.
12. Paulette Sutton (See Exhibits S-12, S-12(a)-(b)): Ms. Sutton is an expert on crime scene reconstruction and bloodstain pattern analysis. Ms. Sutton’s disclosure provides a report and the State sets forth six additional areas, some with subparts, but no methodology or underlying data. Why, for example, does Ms. Sutton opine that the diluted blood found outside the rooms had to be done by the same person that created them?
13. Jeffrey Tanzola (See Exhibits S-13, S-13(a)-(b)): Agent Tanzola is also offered as a digital forensics’ expert, and again the State provides 7 electronic devices belonging to Mr. Kohberger on which Agent Tanzola will offer an expert opinion. This is not permitted by the rule and does not count as a disclosure for the same reasons raised related to #10 above on Detective Mowery. No opinions are disclosed, no specific data being relied upon to disclose an opinion and no methodology is disclosed.
14. Neil Uhrig (See Exhibits S-14, S-14(a)-(b)) Detective Uhrig is also a digital forensics expert. The State lists 7 electronic devices he might have an opinion about. The devices

belong to Goncalves, Kernodle, Mogen, Funke and Mortensen. The disclosure fails to state an opinion, the basis for the opinion, the data relied upon, or the methods used in forming the opinion.

15. Jennie Ayers (See Exhibits S-15, S-15(a));
16. Katherine Dace (See Exhibits S-16, S-16(a));
17. Taylor Maichak (See Exhibits S-17, S-17(a));
18. Tara Martinez (See Exhibits S-18, S-18(a));
19. Jade Miller (See Exhibits S-19, S-19(a));
20. Anne Nord (See Exhibits S-20, S-20(a));
21. Rylene Nowlin (See Exhibits S-21, S-21(a));
22. Eric Seat (See Exhibits S-22, S-22(a));
23. Tina Walthall (See Exhibits S-23, S-23(a));
24. Stephanie Wilt (See Exhibits S-24, S-24(a));
25. Hailey Youngling (See Exhibits S-25, S-25(a));

Experts 15 through 25 are forensic scientists who examined the crime scene, the DNA evidence, STR data, STR mix probabilistic genotyping, the presence of biological fluids, trace evidence, the Hyundai Elantra, and fingerprints. The State provides not a single specific opinion, Mr. Kohberger is instructed to figure it out for himself by reviewing various bates numbered pieces of discovery as an “aid”. The State then insists each may opine and testify about anything else they want, as well as offer other experts’ opinions. The data relied upon, the methodology and the scientific methods are not disclosed with these experts.