

Time	Speaker	Note
<u>10:20:08 AM</u>		
<u>10:20:09 AM</u>		
<u>10:20:34 AM</u>	Judge Hippler	State v. Bryan Kohberger CR01-24-31665 C Closed Hearing Anne Taylor/Massoth
<u>10:21:05 AM</u>	States Attorney	Bill Thompson, Ashley Jennings, Jeff Nye - Via Webex
<u>10:21:06 AM</u>	Defense Attorney	Anne Taylor, Elisa Massoth - Via Webex
<u>10:21:07 AM</u>	Defendant	present in custody via webes
<u>10:21:08 AM</u>	Judge Hippler	Reviews file
<u>10:21:20 AM</u>		Makes record of request for media to witness hearing
<u>10:21:37 AM</u>		Makes record of necessity of having the hearing closed, scheduling hearing
<u>10:23:43 AM</u>		Defense Request to Unseal IGG Information - Franks' Motions, and MTS
<u>10:24:10 AM</u>	Massoth	Argument on MN to Unseal
<u>10:30:28 AM</u>	Judge Hippler	Questions counsel about unsealing? The whole case
<u>10:31:10 AM</u>		Have stipulated to sealing a lot of motions
<u>10:31:24 AM</u>	Defense Attorney	response/cont. argument
<u>10:31:37 AM</u>	Judge Hippler	comments/discussion with counsel
<u>10:32:06 AM</u>	Defense Attorney	response/cont. argument
<u>10:33:13 AM</u>	Judge Hippler	questions the Amazon search ok to be open
<u>10:33:29 AM</u>	Defense Attorney	response/cont. argument
<u>10:33:41 AM</u>	Judge Hippler	discussion with counsel
<u>10:33:49 AM</u>	Defense Attorney	response - comments
<u>10:33:55 AM</u>	Judge Hippler	concerned about IGG may or may not come in. Continuing to pour information to a jury, might make it difficult to get a jury
<u>10:34:38 AM</u>	Defense Attorney	response to court, cont.argument
<u>10:35:31 AM</u>	Judge Hippler	questions position on sealing certain documents
<u>10:35:47 AM</u>	Defense Attorney	response to the court
<u>10:36:19 AM</u>	Judge Hippler	questions counsel about opening up information you are seeking to have suppressed

<u>10:36:42 AM</u>	Defense Attorney	not as it relates to the IGG
<u>10:36:52 AM</u>	Judge Hippler	comments/questions counsel -
<u>10:37:36 AM</u>	Defense Attorney	response to court
<u>10:37:47 AM</u>	Judge Hippler	comments - not just a one sided Gag Order
<u>10:37:58 AM</u>	Defense Attorney	agrees/continue with argument
<u>10:38:43 AM</u>	Judge Hippler	trial will be public
<u>10:38:48 AM</u>	Defense Attorney	includes MTS by the ISC
<u>10:39:39 AM</u>	Judge Hippler	MIL should be open too?
<u>10:39:48 AM</u>	Defense Attorney	response to court
<u>10:40:16 AM</u>	Judge Hippler	questions if everything should be unsealed to date?
<u>10:40:29 AM</u>	Defense Attorney	not going to say that - argument
<u>10:41:09 AM</u>	Judge Hippler	comments to counsel - can't comments in the courtroom
<u>10:41:27 AM</u>	Defense Attorney	response, talking about hearings this week
<u>10:42:07 AM</u>	Judge Hippler	Internet searches?
<u>10:42:13 AM</u>	Defense Attorney	comments
<u>10:43:22 AM</u>	Judge Hippler	relevance of the narrative
<u>10:44:53 AM</u>	Defense Attorney	response
<u>10:45:02 AM</u>	Judge Hippler	cont. discussion with counsel Elisa Massoth
<u>10:45:47 AM</u>	Defense Attorney	response to court
<u>10:45:51 AM</u>	Judge Hippler	comments/questions counsel
<u>10:46:04 AM</u>	Defense Attorney	response/cont. argument
<u>10:46:36 AM</u>	Judge Hippler	hasn't been determined that IGG is coming in to trial yet
<u>10:46:52 AM</u>		not trying this case to the public,
<u>10:47:03 AM</u>	Defense Attorney	entitled to a public trial, suppression is part of that

<u>10:47:14 AM</u>	Judge Hippler	generally presumed to be open, the GAG orders not the norm. Widespread public obsession should be be feeding that.
<u>10:48:00 AM</u>	Defense Attorney	asserting his 6th amendment right for a public trial, benefit for him
<u>10:50:01 AM</u>	Judge Hippler	questions/discussion with counsel
<u>10:51:04 AM</u>	Defense Attorney	6th amendment really talks about both
<u>10:51:37 AM</u>	Judge Hippler	comments, discussion
<u>10:52:07 AM</u>	Defense Attorney	think the evidence should come in to trial if it not suppressed
<u>10:52:44 AM</u>	Judge Hippler	it may or may not come in, may not be relevant, we are not at that position yet,
<u>10:53:09 AM</u>	Defense Attorney	still have the right to have that record made
<u>10:53:20 AM</u>	Judge Hippler	don't disagree with the record in this case, your talking aobut public
<u>10:53:47 AM</u>		questions counsel
<u>10:54:02 AM</u>	Defense Attorney	nondissemmination issue is relevant right not
<u>10:54:53 AM</u>	Judge Hippler	Thank you - State?
<u>10:55:05 AM</u>	Jeff Nye	response argument on MN
<u>10:59:00 AM</u>	Judge Hippler	what specifically do you want under seal IGG
<u>11:00:09 AM</u>	Jeff Nye	specifics, the fact that IGG was done at all
<u>11:00:27 AM</u>	Judge Hippler	comments
<u>11:00:31 AM</u>	Jeff Nye	response/cont. argument
<u>11:03:56 AM</u>	Judge Hippler	questions counsel
<u>11:04:14 AM</u>		what should be kept from the public
<u>11:04:53 AM</u>	Jeff Nye	comments on the arguments should be public, think most of what you hear will not be relevant and will have to respond to that as part of my argument
<u>11:05:57 AM</u>		what information is revealed with a SNIP profile is conducted
<u>11:06:33 AM</u>	Judge Hippler	questions what the harm in allowing the testimony to be open to the public
<u>11:07:01 AM</u>	Jeff Nye	response - exposure to the public, make it difficult to get a jury pool
<u>11:08:19 AM</u>		reasonable alternative
<u>11:09:13 AM</u>	Judge Hippler	questions counsel on FBI protocols precluding the state from havning a fair trial
<u>11:10:45 AM</u>	Jeff Nye	response

<u>11:10:50 AM</u>	Judge Hippler	with respect to the argument section, partially closed
<u>11:11:27 AM</u>	Jeff Nye	streaming would be the best way to have portions of the hearing close
<u>11:12:05 AM</u>	Judge Hippler	maybe the court should be all public
<u>11:12:20 AM</u>	Jeff Nye	response to the court - protecting the jury pool - why we think it should be sealed
<u>11:13:57 AM</u>	Judge Hippler	thank you
<u>11:14:01 AM</u>	Elissa Massoth	reply argument
<u>11:15:15 AM</u>	Judge Hippler	concern is the ability to have a jury pool that has not heard this case in the media might not be admissible
<u>11:15:45 AM</u>	Massoth	comments/
<u>11:16:04 AM</u>	Judge Hippler	do forsee that information getting out to the public and then the court may not let that evidence in and state would object to anyone's that's heard of it
<u>11:16:51 AM</u>	Massoth	response, cont. argument with the court - right to fair and impartial jury
<u>11:17:30 AM</u>	Judge Hippler	response to state's concern having this motion in public he would have to admit DNA is his
<u>11:17:58 AM</u>	Massoth	response to court/cont. argument
<u>11:18:09 AM</u>	Judge Hippler	talking about the public narrative that the story is such and such - admitted DNA
<u>11:18:37 AM</u>		counsel is going to have to make a representation to have standing to argue it
<u>11:18:55 AM</u>	Massoth	not worried about that, only an upside for us to have a public hearing
<u>11:19:19 AM</u>	Judge Hippler	Intent would be the concern for the court twofold
<u>11:19:32 AM</u>		observe the ability to get a jury for this case fair
<u>11:19:56 AM</u>		not concerned about the public narrative - degree of publicity is so overwhelming, having jury pool exposed to information that may be excluded at trial
<u>11:20:50 AM</u>		may be able to agree to release the hearing after the fact, harder to have to jury pool unhear
<u>11:21:30 AM</u>		will impair the ability to empanel the fair jury
<u>11:22:04 AM</u>		will have the evidentiary portion closed portion of the hearing on that matter
<u>11:22:57 AM</u>		would like to hear from counsel on the argument phase of the hearing
<u>11:23:15 AM</u>	Massoth	think we will have to get to that point, will have to answer how the evidence is going to come in
<u>11:23:52 AM</u>	Judge Hippler	for much of the hearings - shouldn't be an issue, MTS, can talk about the pleadings without talking about what was produced

<u>11:24:37 AM</u>	Massoth	response to court - worried about the IGG
<u>11:25:33 AM</u>	Judge Hippler	with respect to the IGG - challenge is the legality of relying on it to develop the suspect
<u>11:25:55 AM</u>	Massoth	response to court - explanation SNIP profile w/o a warrant
<u>11:26:54 AM</u>	Judge Hippler	maybe should consider having the IGG evidentiary portion and the argument section
<u>11:27:18 AM</u>		would have to close the evidence on the IGG, might need to close the arguments on the IGG
<u>11:27:38 AM</u>	Massoth	would like some time on this issue, media is going to be relentless
<u>11:28:09 AM</u>	Jeff Nye	will be arguing the IGG, a lot will depend on what the defense elicits and their witnesses, difficult to predict what the state is going to say
<u>11:28:56 AM</u>	Judge Hippler	comments to counsel - lack of the certification of the lab, data difference between FBI and what the used, fact of FBI accessing data bases that agreed not to or were not supposed to access
<u>11:30:01 AM</u>		questions state about relevance
<u>11:31:17 AM</u>	Jeff Nye	response to court
<u>11:31:23 AM</u>	Judge Hippler	question did def want to address this farther?
<u>11:31:42 AM</u>		evidence portion sealed and argument portion open?
<u>11:32:15 AM</u>	Massoth	will follow that instruction, will need to make a record either way, very significant issue
<u>11:32:51 AM</u>	Judge Hippler	evidence specifics
<u>11:33:07 AM</u>	Massoth?	
<u>11:33:19 AM</u>	Anne Talyor	discussion of the evidentiary portion, call several witnesses, experts
<u>11:33:58 AM</u>		do with ISP and their contact with the lab, SNIP profile,
<u>11:34:59 AM</u>	Judge Hippler	evidence will go specifically to the IGG
<u>11:35:09 AM</u>	Anne Taylor	correct, can bifurcate, IGG and Frank's on Thursday
<u>11:35:42 AM</u>	Judge Hippler	specific witnesses
<u>11:35:49 AM</u>	Massoth	Franks - no witnesses,
<u>11:36:07 AM</u>	Judge Hippler	Do you have evidence you would wish to present for Thursday
<u>11:36:28 AM</u>	Massoth	don't have those witnesses subpoenaed for Thursday
<u>11:36:46 AM</u>		will have witnesses on the other motions 2 officers will be questioned on timing and service of warrants

<u>11:37:24 AM</u>	Judge Hippler	is that protected information?
<u>11:37:34 AM</u>	Massoth	warrants have been filed under seal, some have been unsealed with redactions, can revisit that
<u>11:38:19 AM</u>	Judge Hippler	if there are witnesses giving testimony on warrants, what they produced, witnesses testimony on other IGG issues
<u>11:39:16 AM</u>	Massoth	response to court
<u>11:39:51 AM</u>		hoping to get him on the stand get all the questions out at one
<u>11:40:34 AM</u>	Judge Hippler	small portions of testimony we would have to go down from
<u>11:40:48 AM</u>	Massoth	Amazon is the only area would be the place
<u>11:41:00 AM</u>	Judge Hippler	parties to discuss what we can do publicly and what we will need to block from live stream
<u>11:41:51 AM</u>		do want to have as much as possible be public
<u>11:42:03 AM</u>		thought we would start the morning on IGG would be offline, after that is finished we can go live for other evidence testimony and then have argument on Friday
<u>11:43:21 AM</u>		easy as letting Sandra know to take it off line
<u>11:43:30 AM</u>	Bill Thompson	sounds reasonable
<u>11:43:40 AM</u>	Anne Taylor	questions court
<u>11:44:27 AM</u>	Judge Hippler	response
<u>11:44:30 AM</u>		state needs to get proffer about evidence they have and whats in the record, Franks violations and evidence
<u>11:45:05 AM</u>		state can put on arguments that def evidence in improper
<u>11:45:55 AM</u>		based on the defense proffer will determine if the hearing is necessary
<u>11:46:28 AM</u>		questions/concerns
<u>11:46:33 AM</u>	Anne Taylor	response to court - questions when that would be happening
<u>11:46:47 AM</u>	Judge Hippler	before you want to put on evidence for IGG or as part of
<u>11:47:01 AM</u>	Anne Taylor	think it would make sense to do all the IGG
<u>11:47:20 AM</u>		afternoon of Thursday after IGG
<u>11:47:29 AM</u>	Judge Hippler	questions counsel
<u>11:47:43 AM</u>	Anne Taylor	response
<u>11:47:58 AM</u>	Judge Hippler	state prepared to have a full hearing on IGG
<u>11:48:10 AM</u>	Jeff Nye	comments

<u>11:48:49 AM</u>	Judge Hippler	are there witness the state doesn't have available?
<u>11:50:08 AM</u>	Jeff Nye	correct
<u>11:50:14 AM</u>	Judge Hippler	will send a note out later
<u>11:50:25 AM</u>		timing makes sense to do the Franks, after the IGG
<u>11:50:54 AM</u>	Anne Taylor	depth of testimony would go into
<u>11:51:43 AM</u>	Judge Hippler	half a day or so?
<u>11:51:48 AM</u>	Anne Talyor	would extend on our side 30-40 minutes
<u>11:52:03 AM</u>	Judge Hippler	will look further in to it
<u>11:52:47 AM</u>		comments on the sealing - court is sensitive to the issue
<u>11:53:11 AM</u>		witnesses shouldn't be talking about this stuff, what to protect on the public to not taint the jury pool
<u>11:53:42 AM</u>		questions why are we sealing the witness lists for the hearings
<u>11:53:59 AM</u>		protective order that talks about protected information w/o talking about what the information is
<u>11:54:28 AM</u>	Anne Taylor	response/argument
<u>11:55:49 AM</u>	Judge Hippler	might be going overboard to an extent, will seal the witness that you asked for for now, will not seal the protective order,
<u>11:56:40 AM</u>		can file under seal and let the court know in 3 days if it should be sealed or not
<u>11:56:59 AM</u>		need to give the court more information for sealing, be more thoughtful about it
<u>11:57:55 AM</u>		in terms of the order
<u>11:58:00 AM</u>		IGG
<u>11:58:06 AM</u>		Franks proffer or argument based on evidence
<u>11:58:16 AM</u>		other witnesses Thursday afternoon - publicly available
<u>11:58:34 AM</u>		Friday - any other evidence and arguments other MTS and Compel arguments
<u>11:59:12 AM</u>		haven't had time for the presses motion,
<u>11:59:32 AM</u>		will let you know if there is a hearing needed on that
<u>11:59:42 AM</u>		Anything Else?
<u>11:59:56 AM</u>		parties in person on Thursday and Friday.
<u>12:00:24 PM</u>		End of Case
<u>12:00:26 PM</u>		
<u>12:00:26 PM</u>		