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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 No. CR01-24-31665

STATE'S MOTION IN LIMINE
RE: NEUROPSYCHOLOGICAL
AND PSYCHIATRIC EVIDENCE

COMES NOW the State of Idaho, by and through the Latah County Prosecuting Attorney, and respectfully moves the Court for an order in limine prohibiting Defendant from offering testimony regarding neuropsychological evaluation and psychiatric evaluation of the Defendant as summarized in the Defendant's January 23, 2025, "Supplemental Response to Request for Discovery Regarding Expert Witnesses." Specifically, the State objects to the proposed testimony of expert witnesses identified in Defendant's Exhibits D-7 and D-13 appended to Defendant's "Supplemental Response to Request for Discovery Regarding Expert Witnesses."

In support of this motion, the State respectfully refers the Court to Idaho Code §18-207

which provides that “mental condition shall not be a defense to any charge of criminal conduct” except “expert evidence on the issues of any state of mind which is an element of the offense. . .” Idaho Code 18-207(1) and (3).

In each of the witness summaries (Defendant’s Exhibit D-7 and D-13) the Defendant specifically states the “testimony is not intended to be a mental element defense pursuant to Idaho Code §18-207; but rather this testimony (is) about state of mind as well as factual defense testimony to anticipated testimony elicited by the State.” As such, this proposed testimony falls outside of the mental condition evidence allowable under Idaho Code §18-207(3).

RESPECTFULLY SUBMITTED this 21st day of February 2025.

A handwritten signature in black ink, appearing to read 'W. 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 MOTION IN LIMINE RE:
NEUROPSYCHOLOGICAL AND PSYCHIATRIC EVIDENCE were served on the following in
the manner indicated below:

Anne Taylor
Attorney at Law
PO Box 2347
Coeur D Alene, ID 83816

- Mailed
- E-filed & Served / E-mailed
- Faxed
- Hand Delivered

Dated this 21st day of February 2025.


