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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

~~(SEALED)~~ REDACTED
STATE'S MOTION IN LIMINE
RE: SELF-AUTHENTICATION
OF RECORDS IN RELIANCE
ON I.R.E. 803(6) AND (8), I.R.E.
902(4) AND (11) AND/OR I.R.E.
803(24)

COMES NOW the State of Idaho, by and through the Latah County Prosecuting Attorney, and respectfully moves for orders in limine allowing the admission of certain evidence in accordance with Idaho Rule of Evidence 803(6), (8) and (24), "Idaho Rules of Evidence Rule 803. Exceptions to the Rule Against Hearsay – Regardless of Whether the Declarant is Available as a Witness."

I.R.E. 803(6) states the following:

STATE'S MOTION IN LIMINE RE: SELF-AUTHENTICATION OF RECORDS IN RELIANCE
ON I.R.E. 803(6) AND (8), I.R.E. 902(4) AND (11) AND/OR I.R.E. 803(24) (SEALED)

(6) Records of a Regularly Conducted Activity. A record of an act, event, condition, opinion, or diagnosis if:

- (A) the record was made at or near the time by – or from information transmitted by – someone with knowledge;
- (B) the record was kept in the course of a regularly conducted activity of a business, organization, occupation, or calling, whether or not for profit;
- (C) making the record was a regular practice of that activity;
- (D) all these conditions are shown by the testimony of the custodian or another qualified witness, or by a certification that complies with Rule 902(11) or (12); and
- (E) the opponent does not show that the source of information or the method or circumstances of preparation indicate a lack of trustworthiness.

I.R.E. 803(8) states the following:

(8) Public Records. A record or statement of a public office if:

- (A) it sets out:
 - (i) the office's regularly recorded and regularly conducted activities; or
 - (ii) a matter observed while under a legal duty to report, or factual findings resulting from an investigation conducted under legal authority, but not including:
 - (a) a statement or factual finding offered by the public office in a case in which it is a party; or
 - (b) an investigative report by law enforcement personnel or a public office's factual finding resulting from a special investigation of a particular complaint, case, or incident, except when offered by an accused in a criminal case; and
- (B) the opponent does not show that the source of information or other circumstances indicate a lack of trustworthiness.

At trial, the State intends to introduce the following certified statement(s) and/or record(s) under I.R.E. 803(6) and/or I.R.E. 803(8):

- 1320 Linda Lane surveillance footage for November 13, 2022 (Hard drive provided on 4/5/22, AV000147)
- 1330 Linda Lane surveillance footage for November 13, 2022 (Hard drive provided on

4/5/22, AV000147)

- Albertson's (Clarkston, WA) video surveillance and business records for November 13, 2022 (Hard drive provided on 4/5/23)
- Amazon financial and user records for Bryan Kohberger (Hard drive provided on 4/5/23; AV000236, AV000243, AV000398; AV000832)
- AT&T phone records for Bryan Kohberger, Madison Mogen, Xana Kernodle (AV000228; Hard drive provided on 4/5/23)
- Bagel Shop video surveillance video for November 13, 2022 (Hard drive provided on 4/5/23)
- Bank of America bank records for B.F. and Xana Kernodle (Hard drive provided on 4/5/23; AV000133; AV000254)
- Banner Bank banking records for Ethan Chapin (Hard drive provided on 4/5/23; AV000255)
- Café Artista video surveillance video for November 13, 2022 (Hard drive provided on 4/5/23)
- Corner Club video surveillance video for November 12-13, 2022 (Hard drive provided on 4/5/23; AV000076 and AV000143)
- Corner Club financial transaction receipts of sale for November 13, 2022 (Bates Pages 342-480)
- Costco (Clarkston, WA) surveillance video for November 13, 2022 (AV000229; Hard drive provided on 4/5/23)
- DeSales student records regarding Bryan Kohberger (AV000291)
- Dick's Sporting Goods record of sale for Bryan Kohberger (AV000270)
- Discover financial records for Kaylee Goncalves (AV000256; Hard drive provided on 4/5/23)
- Door Dash records for Xana Kernodle and Ethan Chapin (AV000265; Hard drive provided on 4/5/23)
- Early Warning Records (AV000213)
- Elan Financial records for Kaylee Goncalves (Hard drive provided on 4/5/23)
- E&S Services (1300 Johnson Ave., Pullman, WA) surveillance video for November 13, 2022 (Hard drive provided on 4/5/23)
- Farmer's Insurance surveillance video for November 13, 2022 (Hard drive provided on 4/5/23)
- Floyd's Cannabis Co surveillance video for November 13, 2022 (Hard drive provided on 4/5/23)
- ForisDax (Crypto.com) financial records for Bryan Kohberger (AV000863)
- Grub Truck video surveillance video for November 13, 2022 (Hard drive provided on 4/5/23)
- Harbor Freight business and surveillance records (Hard drive provided on 4/5/23; AV000350)
- Idaho Central Credit Union (ICCU) bank records for Madison Mogen (Hard drive provided on 4/5/23; AV000257)
- Indian Mountain Lake surveillance and records (AV000427)

- Joann Fabrics financial records (AV000868)
- Latah County Sheriff's Office Deputy Darren Duke body camera video on August 21, 2022 (AV000100)
- Latah County Sheriff's Office citation issued on August 21, 2022 (Bates Number 13012-13013)
- Marshall's financial records for Bryan Kohberger (AV000269, AV000350, AV0000861)
- National Weather Service records for November 12 and 13, 2022. (Bates Pages 15720-15738)
- Numerica Bank records for Kaylee Goncalves (Hard drive provided on 4/5/23, AV000258, AV000828 and AV000849)
- PayPal/Venmo financial records (Hard drive provided on 4/5/23; AV000215, AV000260, AV000793)
- PNC Bank records for Bryan Kohberger (AV000862)
- PenTele Data records (AV000241; AV000866)
- Pennsylvania State Employees Credit Union (PSECU) for Bryan Kohberger (AV000226; AV000242; AV000259)
- PetCo financial records for Kaylee Goncalves (AV000867)
- RiteAid financial records (AV000871)
- Ross financial records (AV000861)
- Sunset Mart (1311 S. Main St., Moscow, ID) surveillance video for November 13, 2022 (Hard drive provided on 4/5/23)
- Sunset Mart (1455 SE Bishop Blvd., Pullman, WA) surveillance video for November 13, 2022 (Hard drive provided on 4/5/23)
- Target financial records (AV000253; AV000263; AV000861; AV000864)
- TikTok user records for Xana Kernodle (Hard drive provided on 4/5/23)
- TJX financial records for D.M. (AV000865)
- T-Mobile phone records for Kaylee Goncalves, D.M. AV000345)
- Umpqua bank records for D.M. (Hard drive provided on 4/5/23; AV000261)
- Under Armor transaction records for Bryan Kohberger (AV000271)
- US Chef Store (Clarkston, WA) video surveillance for November 13, 2022 (Hard drive provided on 4/5/23)
- Ulta financial records (AV000869)
- Verizon phone records for Ethan Chapin, B.F. , J.D. (AV000303; hard drive provided on 4/5/23)
- Walmart surveillance and financial transaction records for Bryan Kohberger (AV000252; AV000384)
- Washington Department of Motor Vehicles surveillance video for November 18, 2022 (AV000140; AV000830)
- Washington Department of Motor Vehicles registration documents for Bryan Kohberger (AV000140)
- Washington Trust Bank records for Bryan Kohberger (AV000227)
- Wells Fargo bank records for Madison Mogen (Hard drive provided on 4/5/23, AV000155, AV000261, AV000262(a))

- Winco financial records for Bryan Kohberger (AV000861)
- Winco financial records and video surveillance for B.F. , D.M. Kaylee Goncalves, Madison Mogen, and/or Xana Kernodle (AV000860; Hard drive for 4/5/23)
- Washington State University (WSU) video surveillance for November 13, 2022 (Hard drive provided on 4/5/23)
- WSU parking records (AV000375, AV000394, AV000430)

The State relies on I.R.E. 803(24) in the alternative, which states as follows:

(24) Other Exceptions.

(A) In General. A statement not specifically covered by any of the foregoing exceptions if:

- (i) the statement has equivalent circumstantial guarantees of trustworthiness.
- (ii) it is offered as evidence of a material fact;
- (iii) it is more probative on the point for which it is offered than any other evidence that the proponent can obtain through reasonable efforts; and
- (iv) admitting it will best serve the purposes of these rules and the interests of justice.

(B) Notice. The statement is admissible only if, before the trial or hearing, the proponent gives an adverse party reasonable notice of the intent to offer the statement and its particulars, including the declarant's name and address, so that the party has a fair opportunity to meet it.

I.R.E. 902(4) and (11) provide for self-authentication of these records as follows:

I.R.E. 902(4) states:

(4) Certified Copies of Public Records. A copy of an official record--or a copy of a document that was recorded or filed in a public office as authorized by law--if the copy is certified as correct by:

- (A) the custodian or another person authorized to make the certification; or
- (B) a certificate that complies with Rule 902(1), (2), or (3), an Idaho statute, or a rule prescribed by the Supreme Court.

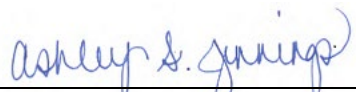
I.R.E. 902(11) states:

(11) Certified Domestic Records of a Regularly Conducted Activity. The original or a copy of a domestic record that meets

the requirements of Rule 803(6)(A)-(C), as shown by a certification of the custodian or another qualified person. As used in this subsection, “certification” means a written declaration signed in a manner that, if falsely made, would subject the maker to a criminal penalty in the jurisdiction where the certification is signed. Before the trial or hearing, the proponent must give an adverse party reasonable written notice of the intent to offer the record – and must make the record and certification available for inspection – so that the party has a fair opportunity to challenge them.

The State intends to obtain certifications of the above listed items prior to the April 21, 2025, exhibit deadline. This filing hereby provides notice of the State’s intent to introduce and rely on certain evidence as required under I.R.E. 803(6) and (8), I.R.E. 902(4) and (11), and/or I.R.E. 803(24), and the State respectfully moves for orders in limine admitting these records as self-authenticated and/or exceptions to the hearsay rule.

RESPECTFULLY SUBMITTED this 24th day of February 2025.



Ashley S. Jennings
Senior Deputy Prosecuting Attorney

CERTIFICATE OF DELIVERY

I hereby certify that true and correct copies of the STATE'S MOTION IN LIMINE RE: SELF-AUTHENTICATION OF RECORDS IN RELIANCE ON I.R.E. 803(6) AND (8), I.R.E. 902(4) AND (11) AND/OR I.R.E. 803(24) 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 24th day of February 2025.

