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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: IMMEDIATE FAMILY  
MEMBERS IN COURTROOM

COMES NOW the State of Idaho, by and through the Latah County Prosecuting Attorney, and respectfully moves the Court in limine for the following: (1) guidance from the Court regarding who the Court recognizes as "immediate families" under I.C. 19-5306(3) and *State v. Payne*, 146 Idaho 548, 199 P.3d 123 (2008); and (2) an Order allowing those immediate family members to remain in the Courtroom for the entirety of the trial currently scheduled to begin on August 11, 2025.

The State is requesting an Order pursuant to Idaho Constitution Art. I, § 22(4) and Idaho Code § 19-5306(1)(b) and (3) allowing immediate family members of the homicide victims to be present during the entire trial regardless of when they are scheduled to testify.

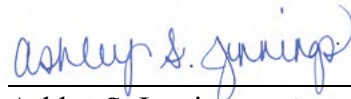
The Idaho Constitution Art. I, § 22(4) states “A crime victim, as defined by statute, has the following rights: (4) To be present at all criminal justice proceedings.” I.C. § 19-5306(1)(b) state’s “(1) Each victim of a criminal or juvenile offense shall be: (b) Permitted to be present at all criminal justice proceedings...”. The statute extends this right “equally to the immediate families of homicide victims.” I.C. § 19-5306(3). The legislature did not define “immediate families” in this section. Nonetheless, the legislature has defined it elsewhere. For instance, in I.C. § 41-1325(2) “immediate family member” means “a parent, mother-in-law, father-in-law, husband, wife, sister, brother, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or a son or daughter.” Likewise, in I.C. § 44-1601 “immediate family member” means the “spouse, children, brother, sister, mother or father.” Black’s Law Dictionary defines “immediate family member” as “1. A person’s parents, spouse, children, and siblings. 2. A person’s parents, spouse, children, and siblings, as well as those of the person’s spouse”. Black’s Law Dictionary (8th Ed. 2004). See *State v Payne*, 146 Idaho at 575, 199 P.3d at 150 (2008).

The State has attached a list of the immediate family members the State believes should be considered victims by statute and therefore should be allowed to be present, if they choose, during the entire trial regardless of whether or when they testify. See State’s Exhibit S-1 attached.

The State respectfully moves for an order in limine specifying “immediate families” under I.C. 19-5306(3) and *State v. Payne*, 146 Idaho 548, 199 P.3d 123 (2008), and allowing those

immediate family members to remain in the Courtroom during the entirety of the trial.

RESPECTFULLY SUBMITTED this 24<sup>th</sup> day of February 2025.



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Ashley S. Jennings  
Senior Deputy Prosecuting Attorney

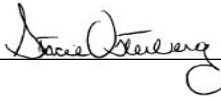
CERTIFICATE OF DELIVERY

I hereby certify that true and correct copies of the STATE'S MOTION IN LIMINE RE:  
IMMEDIATE FAMILY MEMBERS IN COURTROOM 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 24<sup>th</sup> day of February 2025.

  
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