

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.

Ada County Case No. CR01-24-31665

**ORDER REGARDING SEALING OR  
REDACTING FILINGS**

The parties' pervasive practice of filing material under seal in this case has become the norm rather than the exception. Rather than seeking to redact discrete sensitive information, entire documents are filed under seal. In addition, much of the material the parties seek to seal is already in the public domain or is simply not confidential or sensitive.<sup>1</sup> This approach runs counter to the public's First Amendment rights to know what is going on in its courts. *State v. Clapp*, 168 Idaho 67, 70, 479 P.3d 460, 463 (Ct. App. 2020). Consequently, the court will look with scrutiny on requests to seal documents simply because they purportedly contain facts that are not public but that nonetheless will likely come into evidence.

The Idaho Supreme Court adopted I.C.A.R. 32 to define when public access to judicial records may be denied, including through the redaction and sealing of court records. *Id.* To warrant sealing or redaction, the material must meet specific criteria set forth in I.C.A.R. 32(i) so as to allow the Court to make the findings necessary to justify its decision to withdraw the material from the public purview. Moving forward, the Court will require the parties to adhere closely to this rule and only seek to seal and/or redact material as provided thereunder. In addition, all proposed orders to seal or redact must specify the basis under I.C.A.R. 32(i)(3)(A) for which the sealing or redaction is warranted. A bare citation to the rule or conclusory summary without an individualized rigorous factual and legal analysis of the basis for seeking to have documents sealed will result in a rejection of the request.


---

<sup>1</sup> Likewise, the parties seeking to seal a document that contains the entirety of the information sought to be sealed in the title of the document is an exercise in futility, because the name of the document (which contains the sensitive information), once filed, is on the publicly available register of actions.

Further, the parties must also seek the least restrictive method to protect information that should be or is exempt from disclosure. For example, despite the Court's concerns being expressed previously, the State continues to seek broad orders sealing entire documents to protect the identity of individuals rather than simply using initials or requesting that a redacted version be made public that discloses only initials.

Accordingly, the State's request to seal filings writ whole are denied, except as otherwise noted regarding certain exhibits containing grand jury testimony or other exempt records. Rather, those filings have been redacted by the Court to refer to certain individuals by initials or family members of the deceased victims by their nature of the relationship (e.g. brother), rather than by name. The original filing will be sealed, and the redacted versions will be made public. In addition, the court has redacted portions of defendant's filings that contain grand jury testimony.

ORDERED and DATED this 3<sup>rd</sup> day of March, 2025.

  
Steven Hippler  
District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on 3/3/2025, I served a true and correct copy of the

**LATAH COUNTY PROSECUTING ATTORNEY'S OFFICE**

**WILLIAM W. THOMPSON, JR.**

**PROSECUTING ATTORNEY**

**JEFFERY D. NYE**

**SPECIAL ASSISTANT ATTORNEY GENERAL**

VIA EMAIL: [Jeff.Nye@ag.idaho.gov](mailto:Jeff.Nye@ag.idaho.gov)

**ASHLEY JENNINGS**

**DEPUTY PROSECUTING ATTORNEY**

VIA EMAIL: [paservice@latahcountyid.gov](mailto:paservice@latahcountyid.gov)

**ANNE TAYLOR LAW, PLLC**

**ANNE C. TAYLOR**

VIA EMAIL: [info@annetaylorlaw.com](mailto:info@annetaylorlaw.com)

**ELISA G. MASSOTH, PLLC**

**ELISA G. MASSOTH**

VIA EMAIL: [emassoth@kmrs.net](mailto:emassoth@kmrs.net)

**IDAHO STATE PUBLIC DEFENDER'S OFFICE**

**JAY W. LOGSDON**

**FIRST DISTRICT PUBLIC DEFENDER**

VIA EMAIL: [Jay.Logsdon@spd.idaho.gov](mailto:Jay.Logsdon@spd.idaho.gov)


**BICKA BARLOW**

**Pro Hac Vice**

[bickabarlow@sbcglobal.net](mailto:bickabarlow@sbcglobal.net)

**TRENT TRIPPLE**

**Clerk of the Court**

By:   
Deputy Clerk 3/3/2025 1:53:19 PM