

Anne Taylor Law, PLLC
Anne C. Taylor, Attorney at Law
PO Box 2347
Coeur d'Alene, Idaho 83816
Phone: (208) 512-9611
iCourt Email: info@annetaylorlaw.com

Elisa G. Massoth, PLLC
Attorney at Law
P.O. Box 1003
Payette, Idaho 83661
Phone: (208) 642-3797; Fax: (208)642-3799

Bicka Barlow
Pro Hac Vice
2358 Market Street
San Francisco, CA 94114
Phone: (415) 553-4110

Assigned Attorney:

Anne C. Taylor, Attorney at Law, Bar Number: 5836
Elisa G. Massoth, Attorney at Law, Bar Number: 5647
Bicka Barlow, Attorney at Law, CA Bar Number: 178723
Jay W. Logsdon, First District Public Defender, Bar Number: 8759

**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 NUMBER CR01-24-31665

**DEFENDANT'S OBJECTION TO
STATE'S MOTION IN LIMINE**

**RE: SELF-AUTHENTICATION OF
RECORDS**

COMES NOW, Bryan C. Kohberger, by and through his attorneys of record, and hereby objects to the State's Motion in Limine to admit self-authenticating records. The State provided a list containing terabytes of discovery in its motion for admission at trial based on an exception to the rule against hearsay. This is an example of the discovery practices the State engages in which violate

Mr. Kohberger's right to due process and a fair trial. Mr. Kohberger grounds his objection in the United States Constitution, 5th 6th and 14th Amendment and the Idaho Constitution Article I section 13. The State has not provided a specific record with a certificate and affidavit. The State has promised certification in the future but has failed to properly identify the record and how it falls within 803(6) and/or (8). The Idaho Court of Appeals has said, "Rule 803(6), the business record exception to the hearsay rule, allows admission of a record or report if it was made and kept in the course of a regularly conducted business activity and if it was the regular practice of that business to make the report or record." *State v. Hill* 140 Idaho 625, 97 P.3d 1014 (2004). The provided list is not easily identifiable as to which records the State is referring to. Many of the records require foundation because the State has not supplied information to guarantee completeness and authenticity of the record. Aside from issues of authenticity, the State provides no basis upon which any of these records are relevant and meet Idaho Rules of Evidence 401, 402, and 403. Before any of these records are admitted, they must first be relevant. Only then does the determination of whether an exception to the hearsay rules even matters.

In support of his objection, Mr. Kohberger describes the size and complexity of each item for which the State requests admission with a promised certificate as follows:

1. 1320 Linda Lane surveillance footage for November 13, 2022 (Hard drive provided on 4/5/22, AV000147)
2. 1330 Linda Lane surveillance footage for November 13, 2022 (Hard drive provided on 4/5/22, AV000147)

These surveillance videos contained in the folder AV000147 are two videos from the same viewpoint. They are each a one-hour time block. Counsel has located in discovery video footage from the two cameras that are between 8-9 GB of data. This data runs in numerous clips of varying length with an approximate total of 12 ½ hours. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the videos were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record, No certification for this footage establishing the criteria required exists.

3. Albertson's (Clarkston, WA) video surveillance and business records for November 13, 2022 (Hard drive provided on 4/5/23)

This is a surveillance recording that is about 3 GB in size. The file contains multiple views that cover about a two-hour time block. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the videos were made and kept in the course of a regularly conducted business activity, and if it was the regular practice of that business to make the report or record. No certification for this footage establishing the criteria required exists.
4. Amazon financial and user records for Bryan Kohberger (Hard drive provided on 4/5/23; AV000236, AV000243, AV000398; AV000832)

AV236 Contains an excel spreadsheet with information and categories for subscription information and order history for an Amazon account Mr. Kohberger and his family members.

AV243 Contains Mr. Kohberger's father account records and purchase history. These records list purchases for the entire family.

AV398 Contains Subscription history, click activity and sign in history for the Amazon Account for Mr. Kohberger and his family

AV832 Contains a police report from Michael Douglas.
Mr. Kohberger objects specifically to AV832 as it is a police report and the prosecution must have a witness to testify about the contents of a police report. IRE 803(8)(A)(ii)(b). He objects to the rest of the requested documents because the records are not a complete record. The Court should consider Mr. Kohberger's motion to exclude all Amazon records and expert testimony in conjunction with this State request. On March 12, 2025 the State filed expert opinions related to Amazon records, some three months after its expert disclosure deadline.
5. AT&T phone records for Mr. Kohberger, M.M., X.K. (AV000228)

AV000228 Mr. Kohberger notes that these records are one copy of several copies obtained during the course of the case. This folder also contains records relating to someone else. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records were made and kept in the course of a regularly conducted business activity, and if it was the regular practice of that business to make the report or record. Mr. Kohberger seeks exclusion of these records based on the State's incomplete expert disclosures. This should not be an allowed method of circumventing those failures.
6. Bagel Shop video surveillance video for November 13, 2022. This surveillance video is over 7.5 GB in size. No information has been submitted explaining how this video is certified or what portions the State intends to use. .
7. Bank of America bank records for B.F. and X.K. (AV000133; AV000254)

The Two folders contain different sets of information. AV000133 Contains Bank of America Records for BF and XK. There is an additional record listed that appears to be to another person. Additionally, sections of the record are redacted blocking out information. AV254 Contains Bank of America Records for BF and XK. These records are different than those in AV133.

8. Banner Bank banking records for E. C. (Hard drive provided on 4/5/23; AV000255).

The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records were made and kept in the course of a regularly conducted business activity, and if it was the regular practice of that business to make the report or record.

AV000255 contains Banner Bank records for both E.C. and his mother. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records were made and kept in the course of a regularly conducted business activity, and if it was the regular practice of that business to make the report or record.

9. Café Artista video surveillance video for November 13, 2022 This disclosure contains still photos as well as multiple files of recordings. The total amount of video footage available is around 2 hours. The State has not disclosed what portion of this video it intends to use, whether it was made and kept in the course of a regularly conducted business activity, and if it was the regular practice of that business to make the report or record
10. Corner Club video surveillance video for November 12-13, 2022 (AV000076 and AV000143) These two files may be duplicate disclosures. The video surveillance is from 14 different cameras with multiple hours of video footage. There is no disclosure containing what sections of this discovery intends to use at trial or how this record is a regularly collected and maintained record for this business.
11. Corner Club financial transaction receipts of sale for November 13, 2022 (Bates Pages 342-480) This record is 138 pages of receipts from the Corner Club bar. There is no disclosure regarding what pages the State intends to admit as evidence or how these records are a regularly collected and maintained document of this business.
12. Costco (Clarkston, WA) surveillance video for November 13, 2022 (AV000229). This surveillance is from up to ten cameras and runs for approximately an hour. The State provides no disclosure of what segments of these videos it intends to use or how they comply with
13. DeSales student records regarding Bryan Kohberger (AV000291). This disclosure is thousands of pages of documents that are not organized in any fashion. This disclosure involves information related to Mr. Kohberger's calendar, course work drafts, final drafts, testing, emails, and syllabi for classes while he was a student at DeSales. The State has not specified what out of this extensive and disorganized information it intends to use, how records contained in Mr. Kohberger's personal school Google account are a business record kept in the ordinary course by DeSales, how these privacy protected education records are admissible in court.
14. Dick's Sporting Goods record of sale for Bryan Kohberger (AV000270) The disclosure contains a copy of a sales record from June of 2022. The State has not specified what records it intends to admit as evidence, how it was made and kept in the course of a regularly conducted business activity and if it was the regular practice of that business to make the report or record

15. Discover financial records for K.G. (AV000256). This record contains a certification for 33 pages of records. The State has supplied 17 pages including compliance forms and emails. This record is incomplete.
16. Door Dash records for X.K. and E.C. (AV000265; 4/5/23 Drive)
AV000265 Contains EC's Door Dash records but does NOT contain records for XK.

The 4/5/23 disclosure is a Door Dash Search warrant returns. The warrant returns contain photographs, a list of deliveries to 1122 King Road and span as far back as 2019 and a spreadsheet of communication between the person ordering the food and the door dasher. The State has not specified which of these records it intends to use at trial, how they were made and kept in the course of a regularly conducted business activity and if it was the regular practice of that business to make the report or record.
17. Early Warning Records (AV000213) This disclosure contains some certificate but no record with content. Mr. Kohberger does not know what the State intends to rely on or admit.
18. Elan Financial records for K.G. (Hard drive provided on 4/5/23)
The records contained in this folder relate to a P1FCU account for K.G.'s relative. The State has not specified which of these records it intends to use at trial, how they were made and kept in the course of a regularly conducted business activity and if it was the regular practice of that business to make the report or record.
19. ENS Services (1300 Johnson Ave., Pullman, WA) surveillance video for November 13, 2022 (Hard drive provided on 4/5/23) This disclosure contains 2 dates of surveillance each with 125 entries. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record.
20. Farmer's Insurance surveillance video for November 13, 2022 (Hard drive provided on 4/5/23) This disclosure contains two files; one has 641 separate videos and the other has 175 videos. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record
21. Floyd's Cannabis Co surveillance video for November 13, 2022 (Hard drive provided on 4/5/23) The surveillance in this disclosure comes from two separate cameras and has multiple views. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record
22. ForisDax (Crypto.com) financial records for Bryan Kohberger (AV000863) This disclosure contains records that show purchase history and include the time but not the date; account activity and automated chats relating to account updates. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were was made and kept in the course of a regularly conducted business

activity. and if it was the regular practice of that business to make the report or record. On March 13, 2025, for the first time, the State disclosed that its expert Michael Douglass intends to rely on this record in his summary. No opinion regarding these records has been disclosed.

23. Grub Truck video surveillance video for November 13, 2022 (Hard drive provided on 4/5/23) This disclosure contains a 4 ½ hours of video. The State has not provided any specifics related to what portion of the video it intends to rely on or use as evidence nor a certificate that the records/videos were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record.
- . 24. Harbor Freight business and surveillance records (Hard drive provided on 4/5/23; AV000350) This disclosure contains surveillance video, receipts and a product manual. Most of the purchase receipts belong to people other than Mr. Kohberger. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record.
- . 25. Idaho Central Credit Union (ICCU) bank records for M.M. (Hard drive provided on 4/5/23; AV000257). The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record.
26. Indian Mountain Lake surveillance and records (AV000427) This disclosure does not contain video surveillance. It does contain records of entry and a visitors log. The time frame exceeds the date Mr. Kohberger was arrested. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record.
27. Joann Fabrics financial records (AV000868). This disclosure contains purchase information and a receipt. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record.
28. Latah County Sheriff's Office Deputy Darren Duke body camera video on August 21, 2022 (AV000100). This disclosure cannot be presented by the State of Idaho pursuant to IRE 803(8)(A)(ii)(b). This is not a business record.
29. Latah County Sheriff's Office citation issued on August 21, 2022 (Bates Number 13012-13013). This disclosure cannot be presented by the State of Idaho pursuant to IRE 803(8)(A)(ii)(b). This is not a business record.
30. Marshall's financial records for Mr.Kohberger (AV000269, AV000350, AV0000861)

AV000269 This disclosure contains Marshall's receipts.

AV000350 Contains a variety of documents that include police reports, photos, interview, hand-written notes, consent forms, victimology questionnaires, receipts, copies of messages and other documents most of which are not related to Mr. Kohberger. The state has not supplied a certification of any record within this file.

AV000861 Contains a single page document listing purchases from multiple businesses. This file contains nothing to identify what it is or who it is about. No certification accompanies this document stating who generated this document or who it relates to. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record

31. National Weather Service records for November 12 and 13, 2022. (Bates Pages 15720-15738) The State has not provided certification in compliance with caselaw and rule.
32. Numerica Bank records for K.G. (Hard drive provided on 4/5/23, AV000258, AV000828 and AV000849)

The Hard drive contains account information produced pursuant to a search warrant.

AV000258 contains a sheet with sign-in information

AV000828 contains information produced pursuant to a search warrant.

AV000849 contains multiple files of unrelated records as well as a duplicate of AV000828 Only one file has a purported certification. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record

33. PayPal/Venmo financial records (Hard drive provided on 4/5/23; AV000215, AV000260, AV000793)

AV000215 This disclosure contains Venmo record for Mr. Kohberger. This record does not have any sort of compliance with caselaw or statute

AV000260 This disclosure contains records from Synchrony for Mr. Kohberger's PayPal. The State has included a purported certification of these records is included

AV000793 This disclosure contains records from Paypal. These records are different from those contained in AV000260. The State has not supplied Certification. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record

34. PNC Bank records for Mr.Kohberger (AV000862) This record contains Mr. Kohberger's account information with transactions from June 2022. The State has not provided any specifics related to what it intends to rely on or use as evidence.

35. PenTele Data records (AV000241; AV000866)

AV000241 Contains PenTele Data Account information for M.K. and M.A.K.

AV000866 contains copies of the same information. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were made and kept in the course of a regularly conducted business activity, and if it was the regular practice of that business to make the report or record

36. Pennsylvania State Employees Credit Union (PSECU) for Mr. Kohberger (AV000226; AV000242; AV000259)

AV000226 Does contain PSECU records for Mr. Kohberger. A purported certification is included however it lists disclosure of 23 pages, the State provided 26 pages and an excel spreadsheet.

AV000242 Contains PSECU Records of M.K. and M.A.K.

AV000259 contains different or additional PSECU records for Mr. Kohberger. There is no certification for these records. The State has not provided any specifics related to what it intends to rely on or use as evidence.

37. PetCo financial records for K.G.(AV000867)

AV000867 Contains Petco records from purchases made with cards associated with KG and or her rewards card. There is a purported certification for these records. The State has not provided any specifics related to what it intends to rely on or use as evidence

38. RiteAid financial records (AV000871)

AV000871 Contains an email stating they do not have any video footage, and no transactions for BF. The disclosure consists of 3 pages of records are provided but nothing to identify who they relate to. The State provides no certification for these records.

39. Ross financial records (AV000861)

AV000861 is a single page disclosure that lists purchases (not from Ross Stores) and has no identifying information. The State has not provided a certification for these records.

40. Sunset Mart (1311 S. Main St., Moscow, ID) surveillance video for November 13, 2022 (Hard drive provided on 4/5/23)

This disclosure contains surveillance video from several cameras. There are 11 separate folders containing subfolders of footage. The recordings provide hours and hours of surveillance footage. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were made and kept in the course of a regularly conducted business activity, and if it was the regular practice of that business to make the report or record

41. Sunset Mart (1455 SE Bishop Blvd., Pullman, WA) surveillance video for November 13, 2022 (Hard drive provided on 4/5/23)

This disclosure contains surveillance video from several cameras. There are 3 folders containing subfolder that contain recordings. The recordings provide hours and hours of surveillance footage. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record

42. Target financial records (AV000253; AV000263; AV000861; AV000864)

AV000253 This disclosure is 51 pages of receipts from Target. The State has not provided certification for these records.

AV000263 This disclosure contains an email trail regarding a gift card issued in 2014. A certification is disclosed but no records are attached.

AV000861 This disclosure is the same single page disclosure listed for Ross in number 39 above.

AV000864 This disclosure contains a letter to Agent Douglas stating they are providing the records for DM and BF from Target. The disclosure provides a certification stating 5 pages of documents are provided; the State has disclosed 6 pages of documents. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record

43. TikTok user records for X.K. (Hard drive provided on 4/5/23)

This record contains user history including use, messaging and videos. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record.

44. TJX financial records for D.M. (AV000865)

This disclosure contains email communication relating to the disclosure and a single record of purchase by DM on 10/18/22. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record. Simply because this items is single purchase does not explain how it is a self-authenticated business record relevant to this case.

45. T-Mobile phone records for K.G. and D.M. (AV000345)

AV000345 This disclosure contains call detail and subscriber records for KG and DM from 6/23/22-8/1/22. The State has not provided any specifics related to what it intends to rely on or use as evidence from these records.

46. Umpqua bank records for D.M. (Hard drive provided on 4/5/23; AV000261)

AV000261 This disclosure contains DM banking records. This disclosure also contains records produced from another financial institution for MM. Additionally, this disclosure contains a copy of a Grand Jury Subpoena and a letter of instruction.¹ The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record.

47. Under Armor transaction records for Bryan Kohberger (AV000271)

AV000271 This disclosure contains a letter responding to the record request and a record of a single purchase Mr. Kohberger made in PA 6/24/22. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record.

48. US Chef Store (Clarkston, WA) video surveillance for November 13, 2022 (Hard drive provided on 4/5/23)

This disclosure contains a surveillance video lasting approximately 25 minutes. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record. The State has not disclosed certification for this video.

50. Ulta financial records (AV000869)

AV000869 This disclosure contains purchase records for KG, MM and a person identified only by a member ID number. The disclosure contains a letter from the business. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record

51. Verizon phone records for E.C, B.F., and J.D. (AV000303; hard drive provided on 4/5/23)
Hard Drive - This disclosure contains phone downloads for each of the named persons. These records are captured by more than one tool for download. Each record contains a huge amount of data.

AV000303 This disclosure contains records for EC and BF. There are no records for JD in this disclosure. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record. The State has not provided certification for these records.

¹ Exhibit "Objection to State's motion ____ federal grand jury subpoena.

52. Walmart surveillance and financial transaction records for Bryan Kohberger (AV000252; AV000384)

AV000252 This disclosure contains purchase history for Mr. Kohberger.

AV000384 This disclosure is one of several containing surveillance videos from Walmart. In this particular folder there are multiple cameras and surveillance videos. These would not open and were provided in a converted format. Not every video from this folder was provided in the converted format. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record. The State has not provided certifications for any of the surveillance footage.

53. Washington Department of Motor Vehicles surveillance video for November 18, 2022 (AV000140; AV000830)

AV000140 This disclosure contains surveillance footage. The State has not provided certification for this video.

AV000830 This disclosures contains surveillance footage and is noted as converted. Both disclosures have several videos. These videos contain sound. No certification was provided.

54. Washington Department of Motor Vehicles registration documents for Mr. Kohberger (AV000140).

AV000140 This disclosure contains registration and title documents.

55. Washington Trust Bank records for Mr. Kohberger (AV000227)

AV000227 This disclosure contains WA trust bank records for Mr. Kohberger. There is an excel spreadsheet of transactions and PDG documents of images of Mr. Kohberger in his car at the ATM on the morning on 11/13/22. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record.

56. Wells Fargo bank records for M.M. (Hard drive provided on 4/5/23, AV000155, AV000261, AV000262(a))

AV000155 This disclosure contains Wells Fargo Records for MM. These records were obtained pursuant to a Search Warrant.

AV000261 This disclosure contains Umpqua Records for DM and Wells Fargo Records for MM. This record contains the Grand Jury packet and letter. These records are not the same as the record contained in AV000155.

AV000262 This disclosure contains Wells Fargo records for MM. They are the same records contained in AV000155 and AV000261.

AV000262a This disclosure provides the same record again but with another document that had not been provided with any other related disclosure. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record

57. Winco financial records for Mr. Kohberger (AV000861)
AV000861 This is the same single page document referenced in numbers 39 Ross and 42 Target above. The disclosure does not contain Mr. Kohberger's financial records relating to Winco. The State has not provided a certification for this record.

58. Winco financial records and video surveillance for B.F., D.M., K.G., M.M. and X.K. (AV000860; Hard drive for 4/5/23)

AV000860 This disclosure contains transactions for those listed above. The purported certification reads: "winco food receipts" only.

This disclosure contains surveillance video from several cameras at Winco. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record.

59. Washington State University (WSU) video surveillance for November 13, 2022 (Hard drive provided on 4/5/23)

Drive - This disclosure contains surveillance video from a variety of cameras and multiple separate videos of surveillance footage at WSU. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record.

60. WSU parking records (AV000375, AV000394, AV000430)

AV000375 This disclosure is record from WSU containing a vast amount of information about vehicles, parking and campus related information.

AV000394 This disclosure contains content appearing to duplicate of AV000375.

AV000430 This disclosure contains a huge amount of data covering U of I and WSU parking permits, parking tickets, searches for vehicles through different entities, vehicle spread sheets; specific files seeking 2011-2013 Elantra and 2019-2022 Nissan Sentra. There are two WSU related folders. One contains some of the same information in AV000375 and AV000394 but also contains additional information. The second WSU related file contains spreadsheets for various vehicles queried through traffic tickets. The State has not provided any specifics related to what it intends to rely on or use as evidence nor a certificate that the records/videos were was made and kept in the course of a regularly conducted business activity. and if it was the regular practice of that business to make the report or record

The State is seeking broad authority to provide, in the future, a certification for records listed above. These records are extensive; they contain several terabytes of video and thousands of pages. The State has obtained these records in a variety of ways; some came through police work doing video canvassing, others came with search warrant service, and many came through Federal Grand Jury Subpoena.

Mr. Kohberger provides as and exhibit a copy of the Federal Grand Jury Subpoena he was provided inadvertently. He sought all Grand Jury Subpoenas through Discovery and Motion to Compel. He was not provided copies, other than this inadvertently produced copy. Of interest, and in support of his objection to the State's motion is that records were dual produced by search warrant and by subpoena. The copy of records is not identical in every production. This exhibit depicts a letter from FBI agent Douglass directing the keeper of business records to contact him prior to fulfilling the subpoena. In the packet in the exhibit there is an affidavit of compliance which specifies what documents are responsive to the subpoena and specify what is supplied. As has been pointed out within the list discovery items above, when the affidavit has been produced in relation to the FBI Grand Jury Subpoena there is usually a discrepancy. Mr. Kohberger urges the Court to first require the State to explain how each of these records are relevant because the mass production without specificity makes it impossible for Mr. Kohberger to effectively confront this evidence. The Court must require verification of the records and videos produced along with any certification.

Mr. Kohberger's objection to the State's broad request is summed up with reliance on his rights and protections under the United States Constitution and the State of Idaho Constitution. Mr. Kohberger has protections of a fair trial, effective assistance of counsel and confronting evidence produced against him.

Idaho Rules of Evidence govern evidence admissibility in trial. Mr. Kohberger objects to the State's request that is a large sweep with an a free pass for admissibility. The State's request is premature, excessively broad and must be denied until the request can be disclosed specifically and properly litigated.

DATED this 17 day of March, 2025.



ANNE C. TAYLOR
ANNE TAYLOR LAW, PLLC

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served as indicated below on the 17 day of March, 2025 addressed to:

Latah County Prosecuting Attorney –via Email: paservice@latahcountyid.gov

Elisa Massoth – via Email: legalassistant@kmrs.net

Jay Logsdon – via Email: Jay.Logsdon@spd.idaho.gov

Bicka Barlow, Attorney at Law – via Email: bickabarlow@sbcglobal.net

Jeffery Nye, Deputy Attorney General – via Email: Jeff.nye@ag.idaho.gov

