

LATAH COUNTY PROSECUTOR'S OFFICE
WILLIAM W. THOMPSON, JR., ISB No. 2613
PROSECUTING ATTORNEY
ASHLEY S. JENNINGS, ISB No. 8491
SENIOR DEPUTY PROSECUTOR
Latah County Courthouse
522 S. Adams Street, Ste. 211
Moscow, ID 83843
Phone: (208) 883-2246
paservice@latahcountyid.gov

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 REPLY TO
DEFENDANT'S OBJECTION TO
STATE'S MOTION IN LIMINE
RE: ALTERNATIVE
PERPETRATOR EVIDENCE

COMES NOW the State of Idaho, by and through the Latah County Prosecuting Attorney, and submits the following reply to the March 17, 2025, "Defendant's Objection to State's Motion in Limine RE: Alternative Perpetrator Evidence."


Although the Defendant purports to "object" to the State's motion and asks that the Court "deny" the same (see motion at page 3), in truth the Defendant appears to substantively concur with the legal standards articulated by the State in support of its instant motion: *State v. Meister*, 148 Idaho 236 (2009): the Defendant acknowledges that he must make a satisfactory offer of

proof prior to offering or arguing an alternative perpetrator theory.

Consequently, the Court should grant the State's motion and enter an order prohibiting the Defendant from offering "alternative perpetrator" evidence or argument without first satisfying the Court that such evidence is relevant and admissible under I.R.E. 401, 402 and 403, and *State v. Meister*, 148 Idaho 236 (2009). Under the authority of *Meister*, which cites approvingly to *State v. Self*, 139 Idaho 718 (Ct. App. 2003), the Defendant's proffer or offer of proof must include evidence specifically connecting person(s) other than the Defendant to the homicides, recognizing that "mere inferences that another person *could* have committed the crime will most likely not be relevant, and if relevant will still be subject to the limitations provisions of I.R.E. 403." (*Meister* at 241 citing to *Self*.)

The State further requests that the Court set a reasonable deadline for the Defendant to make any proffer/offers of proof regarding alternative perpetrator evidence or argument sufficiently prior to trial so the issues can be fully reviewed by the Court, appropriate admissibility decisions made, and the parties prepare to proceed accordingly.

RESPECTFULLY SUBMITTED this 21st day of March 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 REPLY TO DEFENDANT'S OBJECTION TO STATE'S MOTION IN LIMINE RE: ALTERNATIVE PERPETRATOR 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 March 2025.

