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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 REPLY TO
DEFENDANT'S RESPONSE AND
OBJECTION TO 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 replies to the "Defendant's Response and Objection to State's Motion in Limine Re: Immediate Family Members in Courtroom" filed March 17, 2025.

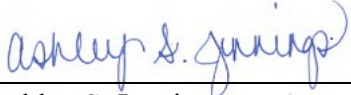
The State is in agreement that "immediate families" should logically include stepparents and relatives by marriage. The Defendant stipulates to the individuals listed within State's Exhibit S-1; therefore, the State moves the Court for an Order allowing the families members listed on State's

Exhibit S-1 (attached to State's Motion) to remain in the courtroom during the entirety of the trial against the Defendant.

Regarding courtroom decorum, the State defers to the Court's "inherent authority to supervise their officers, parties, witnesses, counsel, and jurors by imposing rules to protect the rights of litigants and the orderly administration of justice." *McDonald v. Pless*, 238 U.S. 264, 266 (1915).

Defendant requests that members of his family be granted the same rights as the victim's families. However, the "immediate families of homicide victims" have constitutional and statutory rights to attend pursuant to Idaho Constitution Art. I, § 22(4) and Idaho Code 19-5306(1)(b). There is no comparable constitutional or statutory provisions affording a defendant's family these same rights. Further, there is no authority to support the argument that the Defendant's Sixth Amendment rights would be violated. The Defendant has a constitutional and statutory right to a "public trial," but that does not extend to Defendant's choosing whom sits in the courtroom. U.S. Const. Amd. 6; Idaho Const., Art. I, § 13.; I.C. 19-106. In addition, the State may call member(s) of the Kohberger family to testify at trial. Prior to start of the trial, the State anticipates it will motion the Court, or the Court will on its own accord, generally exclude testifying witnesses from the courtroom so that they cannot hear other witnesses' testimony¹. Defendant's family are not exempted from I.R.E. 615. Therefore, those members of the Defendant's family on the State's witness list (due April 21, 2025) should be excluded from the Courtroom until they testify.

RESPECTFULLY SUBMITTED this 21st day of March 2025.



Ashley S. Jennings
Senior Deputy Prosecuting Attorney

¹ The parties filed a "Stipulated Agreement of the Parties Regarding Investigators in the Courtroom During Trial." The Court entered an Order to this effect on March 4, 2025,

CERTIFICATE OF DELIVERY

I hereby certify that true and correct copies of the STATE'S REPLY TO DEFENDANT'S RESPONSE AND OBJECTION TO 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 21st day of March 2025.