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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

SEALED
STATE'S RESPONSE TO
DEFENDANTS PROPOSED
JURY QUESTIONNAIRE

COMES NOW the State of Idaho, by and through the Latah County Prosecuting Attorney, and responds to the Defendant's proposed Jury Questionnaire filed on March 24, 2025 as follows:

1. The State has no objection to the Defendant's proposed new question 20 regarding advocacy or political lobby groups.
2. The State opposes Defendant's suggested change to Court's question 20 (21 in Defendant's red-line version). The projected length of the trial and daily trial schedule are already covered under section VII of the Court's proposed Jury

Questionnaire. This area of inquiry fits better as proposed by the Court. Also, the length of service and daily schedule questions do not readily fit with the Court's question about medical issues which could interfere with a person's service as a juror.

3. The Defendant proposes "Are you know [sic], or have you ever been a supervisor?" as a new question 27 (page 6). The purpose of the question is not clear, especially without seeking follow-up information regarding supervisor experience and/or styles. The State trusts the Court to fashion an appropriate question on this topic if it would like to open this area of inquiry.
4. The State has no objection to the inclusion of "vehicle identification" in the Court's proposed question 27.
5. Regarding the Defendant's proposals to change the Court's proposed question 29, the State has no objection with the exception of the last parenthetical area of inquiry (on page 7 of the Defendant's edited draft) which includes "hosting or regularly participating in podcasts, YouTube channels, and alike," If this is an area the Court believes should be inquired into, it would be better to include it in section VI along with the Court's proposed question 56 regarding media exposure. The Defendant's proposal does not fit under the question about employment. The State also notes that the spelling of county coroner Cathy Mabbutt's name needs to be corrected.
6. The State opposes Defendant's proposals for questions 36 through 38. Instructions on the law should come from the Court in the form of jury instructions consistent with applicable ICJI's and case law.
7. Regarding the Court's original proposed question 38, the State favors the Court's version but does not object to the inclusion of the three suggestions from the

Defendant (a portion of subparagraph (b), and the addition of subparagraphs (c) and (d)).

8. The State has no objection to the Defendant's proposed new questions 45 and 46 appearing at page 12 of Defendant's red-line version.
9. Regarding section "V. ATTITUDE REGARDING THE DEATH PENALTY," the State prefers the Court's language which addresses the essential information and questions the parties and Court need to select a jury. As mentioned above, to the extent that the jury is being instructed on the law, they should be instructed in accordance with the jury instructions that will be given by the Court. The State is also concerned that the second paragraph of the Defendant's proposed language could mislead the jury in that it does not recognize the State's ability to offer non-statutory aggravation (for example, in rebuttal to Defendant's mitigation evidence). Finally, the Court's proposed subsection a., b., and c., questions accurately reflect the state of the law for purposes of jury selection (see "State's Response to Defendant's Voir Dire Motion" filed herein on March 24, 2025).
10. Regarding the Defendant's proposed question 48 (at page 14 of the Defendant's red-line version), the State prefers its proposal number 3 (page 3 of the State's Jury Questionnaire Proposals) which is comprised of a series of questions to be added to PART IV. "GENERAL ATTITUDES AND KNOWLEDGE OF THE LAW."
11. Regarding the Court's proposed questions 48, 49, 50, 51 and 52, these are appropriate inquiries that should be retained by the Court. The Court's question 51 accurately addresses established law regarding the voir dire process (see, again, the "State's Response to Defendant's Voir Dire Motion" filed herein on March 24, 2025).

12. The State opposes the Defendant's proposed question 56 (page 16 of Defendant's red-line version). Instead, the Court should adopt the State's proposed question 61 regarding discussing this case with others (page 4 of the State's jury questionnaire proposals).

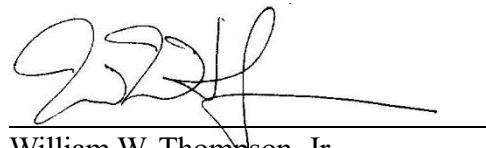
13. The State has no objection to Defendant's proposed question 57 about donating funds to persons associated with this case.

14. Regarding the Court's question 58, this question accurately reflects established law regarding the voir dire process in criminal cases, including homicide cases. The State respectfully refers the Court to the "State's Response to Defendant's Voir Dire Motion" filed herein on March 24, 2025.

15. Regarding the additional Defendant's proposed questions regarding discussing this case with others, the State respectfully refers the Court to its proposed language for question 61.

16. The State has no objection to Defendant's proposals 66 – 68.

RESPECTFULLY SUBMITTED this 31st day of March 2025.



William W. Thompson, Jr.
Prosecuting Attorney

CERTIFICATE OF DELIVERY

I hereby certify that true and correct copies of the STATE'S RESPONSE TO DEFENDANT'S PROPOSED JURY QUESTIONNAIRE 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 31st day of March 2025.

A handwritten signature in black ink, appearing to read "Anne Taylor", is written over a horizontal line. A small, circular mark is present at the end of the line to the right of the signature.