

LATAH COUNTY PROSECUTOR'S OFFICE
WILLIAM W. THOMPSON, JR., ISB No. 2613
PROSECUTING ATTORNEY
ASHLEY S. JENNINGS, ISB No. 8491
SENIOR DEPUTY PROSECUTING ATTORNEY
JOSHUA D. HURWIT, ISB. No. 9527
SPECIAL DEPUTY PROSECUTING ATTORNEY
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 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 RESPONSE TO
DEFENDANT'S PROPOSED JURY
INSTRUCTIONS

Filed Under Seal

TO: THE DEFENDANT, BRYAN CHRISTOPHER KOHBERGER,
AND COUNSEL

PLEASE TAKE NOTICE that the undersigned files this Response to Defendant's
Proposed Jury Instructions.

INTRODUCTION

The State does not object to Defendant's Proposed Jury Instructions, which are model

instructions provided in the Idaho Supreme Court's Idaho Criminal Jury Instructions (ICJI) and are also proposed by the State in its Requested Jury Instructions. To the extent it is helpful to the Court in preparing the jury instructions, the State lists Defendant's proposed instructions below, cross-references them to the State's Requested Jury Instructions, and notes any differences.

RESPONSES

ICJI 103

Defendant's proposal deviates from the model ICJI 103 provided by the Idaho Supreme Court. The State does not object to Defendant's modification, however, because it tracks the language of ICJI 1703, which is the burden of proof instruction to be given in the death penalty phase. The State included ICJI 1703's language in its Proposed Preliminary Jury Instruction No. 1 (which relies on ICJI 001 and 1703). The State submits that it is appropriate for the Court to give a version of ICJI 1703 pre-trial, post-trial, and during the penalty phase.

ICJI 318

The State agrees that ICJI 318 should be given if applicable based on testimony during trial. The State listed ICJI 318 as its Proposed Post-Proof Instruction No. 22.

ICJI 319

The State agrees that ICJI 319 should be given if applicable based on testimony during trial. The State listed ICJI 319 as its Proposed Post-Proof Instruction No. 23.

ICJI 345

The State agrees that ICJI 345 should be given if applicable based on testimony during trial. The State listed ICJI 345 as its Proposed Post-Proof Instruction No. 26.

ICJI 700B

The State agrees that ICJI 700B should be given. The State listed ICJI 700B as its Proposed Post-Proof Instruction No. 17.

ICJI 700C

The State agrees that ICJI 700C should be given. The State listed ICJI 700C as its Proposed Post-Proof Instruction No. 18.

ICJI 1701

The State agrees that ICJI 1701 should be given. The State listed ICJI 1701 as its Proposed Death Penalty Instruction No. 1.

ICJI 1703

The State agrees that ICJI 1703 should be given. The State listed ICJI 1703 as its Proposed Death Penalty Instruction No. 3.

ICJI 1704

The State agrees that ICJI 1704 should be given. The State listed ICJI 1704 as its Proposed Death Penalty Instruction No. 4. In addition to the standard language, the State proposes to inform the jury that “immediate family members of deceased victims” are also allowed to make victim impact statements.

ICJI 1706

The State agrees that ICJI 1706 should be given. The State listed ICJI 1706 as its Proposed Death Penalty Instruction No. 6.

ICJI 1707

The State agrees that ICJI 1707 should be given. The State listed ICJI 1707 as its Proposed

Death Penalty Instruction No. 7.

ICJI 1708

The State agrees that ICJI 1708 should be given, and it appears that the parties are in agreement as to how the alleged aggravating circumstances should be listed. The State listed ICJI 1708 as its Proposed Death Penalty Instruction No. 8.

ICJI 1721

The State agrees that ICJI 1721 should be given. The State listed ICJI 1721 as its Proposed Death Penalty Instruction No. 16.

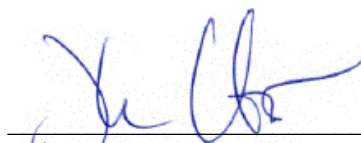
ICJI 1722

The State agrees that ICJI 1722 should be given. The State listed ICJI 1722 as its Proposed Death Penalty Instruction No. 17.

ICJI 1723

The State agrees that ICJI 1723 should be given. The State listed ICJI 1723 as its Proposed Death Penalty Instruction No. 18.

DATED this 18th day of April 2025.



Joshua D. Hurwitt
Special Deputy Prosecuting Attorney

CERTIFICATE OF DELIVERY

I hereby certify that true and correct copies of the STATE'S RESPONSE TO DEFENDANT'S PROPOSED JURY INSTRUCTIONS were served on the following in the manner indicated below:

Anne Taylor
Attorney at Law
PO Box 2347
Coeur d'Alene, ID 83816
info@annetaylorlaw.com

- ☐ Mailed
- ☒ E-filed & Served / E-mailed
- ☐ Faxed
- ☐ Hand Delivered

Dated this 20th day of April 2025.