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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 RESPONSE TO
COURT'S SECOND ORDER
REGARDING SEALED
DOCUMENTS

COMES NOW the State of Idaho, by and through the Latah County Prosecuting Attorney, and hereby responds pursuant to the Court's September 3, 2025, "Second Order Seeking Parties Position Regarding Sealed Documents."

The State identifies each document by date, name, and number as identified in the Order and subsequently provides the State's response to continued sealing (in blue) including any notice of non-objection as follows:

44. 05/30/2025 - Parties Proposed Stipulated Jury Instruction

[The State has no objection to the unsealing of this item.](#)

45. 05/28/2025 - State's Proposed Supplemental Jury Instruction

The State has no objection to the unsealing of this item.

46. 05/28/2025 - Defendant's Amended Phase Two - Mitigation Witness List

For this item, the State incorporates its response to Item 29 to the Sealed "State's Response to Court's 'Order Regarding Requested Redactions.'"

47. 05/27/2025 - Exhibit S-2 to State's Supplemental Rebuttal Disclosure RE: Penalty Phase Experts

The State has no objection to the unsealing of this item.

48. 05/27/2025 - Exhibit S-1 to State's Supplemental Rebuttal Disclosure RE: Penalty Phase Experts

The State objects to the unsealing of this item as it is protected pursuant to I.C.A.R. 32(i)(3)9(1) (i.e. contains highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person) and I.C.A.R. 32(g)(1) (See I.C. § 74-106(13) regarding records of psychiatric care or treatment and professional counseling records relating to an individual's condition, diagnosis, care or treatment).

49. 05/27/2025 - State's Supplemental Rebuttal Disclosure RE: Penalty Phase Expert

The State has no objection to the unsealing of this item.

50. 05/23/2025 - Defendant's Evidence in Support of Offer of Proof RE: Alternate Perpetrators

The State requests the Court redact the names and other information that could be used to identify the proffered alternate perpetrators be redacted pursuant to I.C.A.R. 32(i)(3)(A)(1) and (7). As the Court ruled in the September 3, 2025, "Order Unsealing and Redacting Records" this item involves "identifying information of the proffered alternate perpetrators, the revealing of which would contravene the privacy concerns of these individuals and likely subject them to undue harassment." (See Item 12 of the Court's Order).

The State requests the Court redact all text following the first paragraph of the motion to include the names of the "alternate perpetrators," descriptions of exhibits, and exhibit numbers that include initials (bottom of page 2 until page 5).

51. 05/23/2025 - Objection to the Court's Request for the Defense to Submit a Redacted Copy of Ex Parte Filing to the State

The State has no objection to the unsealing of this item.

52. 05/22/2025 - Exhibit F to Defendant's 6th Supplemental Response to Discovery

The State has no objection to the unsealing of this item.

53. 05/22/2025 - Defendant's 6th Supplemental Response to Discovery

The State has no objection to the unsealing of this item.

54. 05/21/2025 - Defendant's Objections to the Juror Questionnaire

The State has no objection to the unsealing of this item.

55. 05/21/2025 - Court Minutes - Closed Session

The State has no objection to the unsealing of this item.

56. 05/15/2025 - Court Minutes - Closed Session

This item regards the status of an ongoing investigation into a potential leak in the case. This information is exempt from disclosure under I.C.A.R. 32(g)(1) and I.C. § 74-124(a) and, therefore, the State request this item remained sealed.

57. 05/14/2025 - Defendant's Offer of Proof RE: Alternate Perpetrators

The State requests the Court redact the names and other information that could be used to identify the proffered alternate perpetrators be redacted pursuant to I.C.A.R. 32(i)(3)(A)(1) and (7). As the Court ruled in the September 3, 2025, "Order Unsealing and Redacting Records" this item involves "identifying information of the proffered alternate perpetrators, the revealing of which would contravene the privacy concerns of these individuals and likely subject them to undue harassment." (See Item 12 of the Court's Order).

The State requests the Court redact all text following the last paragraph of page 2 until the end of the pleading at page 7.

58. 05/14/2025 - 2nd Notice of Filing Defendant's Proposed Jury Instructions

The State has no objection to the unsealing of this item.

59. 05/14/2025 - Notice of State's Amended Exhibit List and Motion to Seal

The State has no objection to the unsealing of this item.

60. 05/13/2025 - Exhibit S-1 to State's Motion to Reclaim Exhibits

Pursuant to I.C.A.R. 32(g)(7) information regarding grand jury proceedings should be sealed.

61. 05/09/2025 - Parties' Joint Proposed Jury Instruction Regarding Tip Leading to Investigation of the Defendant

The State has no objection to the unsealing of this item.

62. 05/05/2025 - Defendant's Phase Two - Mitigation Witness List

For this item, the State incorporates its response to Item 29 to the Sealed "State's Response to Court's 'Order Regarding Requested Redactions.'"

63. 05/05/2025 - Court Minutes (SEALED)

The State requests redactions at the following times that refer to a mental health diagnosis:

12:06:16

12:07:14

12:08:40

12:08:50

12:09:58

The State objects to the unsealing of this item as it is protected pursuant to I.C.A.R. 32(i)(3)9(1) (i.e. contains highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person) and I.C.A.R. 32(g)(1) (See I.C. § 74-106(13) regarding records of psychiatric care or treatment and professional counseling records relating to an individual's condition, diagnosis, care or treatment).

64. 05/01/2025 - Reply in Support of State's Motion for Examination of Defendant Pursuant to I.C. 18-207 and for an Extension of Time

For the reasons outlined above, the State requests the court redact references to a mental health diagnosis at Page 4, Footnote 2.

65. 04/29/2025 - Defendant's Objection to State's Motion for Examination of Defendant Pursuant to Idaho Code 18-207 and for an Extension of Time

For the reasons outlined above, the State requests the court redact references to a mental health diagnosis at Page 7, Paragraph 2, Sentence 2.

66. 04/25/2025 - Hurwit Declaration in Support of Motion for Examination

The State has no objection to the unsealing of this item.

67. 04/25/2025 - Gage Declaration in Support of Motion for Examination

The State has no objection to the unsealing of this item.

68. 4/25/2025 - State's Motion for Examination of Defendant Pursuant to I.C. 18-207 and for an Extension of Time

For the reasons outlined above, the State requests the court redact references to a mental health diagnosis at:

Page 2, Paragraph 1, Sentence 1;
Page 2, Paragraph 2, Sentence 4;
Page 8, Paragraph 3, Sentence 2 and 4.

69. 04/21/2025 - Defendant's Phase One Lay Witness List

The State has no objection to the unsealing of witnesses identified as law enforcement or expert witnesses. The State requests redactions to law enforcement officer's home addresses (identified on the attached Sealed Exhibit 1). The State requests the Court redact the names of lay witnesses' names and addresses (identified on the attached Sealed Exhibit 1) pursuant to I.C.A.R.(i)(3)(A)(1 and/or 5). The State incorporates its August 18, 2025 "Response to Court's Order Regarding Sealed Documents" in response to this item.

70. 04/21/2025 - State's Exhibit List

The State requests redactions to the descriptions for the following exhibit numbers:

Exhibit Number	Requested Redaction
SERIES ONE: Photographs	
S1-78	Undisclosed named witness
S1-79	Undisclosed named witness
S1-80	Undisclosed named witness
S1-82	Undisclosed named witness
S1-83	Undisclosed named witness
S1-84	Undisclosed named witness
S1-85	Undisclosed named witness
S1-86	Undisclosed named witness
S1-87	Undisclosed named witness
S1-88	Undisclosed named witness
S1-89	Description of autopsy photograph
S1-90	Description of autopsy photograph
S1-91	Description of autopsy photograph
S1-92	Description of autopsy photograph
S1-93	Description of autopsy photograph
S1-94	Description of autopsy photograph
S1-95	Description of autopsy photograph
S1-96	Description of autopsy photograph
S1-97	Description of autopsy photograph
S1-98	Description of autopsy photograph

S1-99	Description of autopsy photograph
S1-100	Description of autopsy photograph
S1-101	Description of autopsy photograph
S1-102	Description of autopsy photograph
S1-103	Description of autopsy photograph
S1-104	Description of autopsy photograph
S1-105	Description of autopsy photograph
S1-106	Description of autopsy photograph
S1-107	Description of autopsy photograph
S1-108	Description of autopsy photograph
S1-109	Description of autopsy photograph
S1-110	Description of autopsy photograph
S1-111	Description of autopsy photograph
S1-112	Description of autopsy photograph
S1-113	Description of autopsy photograph
S1-114	Description of autopsy photograph
S1-115	Description of autopsy photograph
S1-116	Description of autopsy photograph
S1-117	Description of autopsy photograph
S1-118	Description of autopsy photograph
S1-119	Description of autopsy photograph
S1-120	Description of autopsy photograph
S1-121	Description of autopsy photograph
S1-122	Description of autopsy photograph
S1-123	Description of autopsy photograph
S1-124	Description of autopsy photograph
S1-125	Description of autopsy photograph
S1-126	Description of autopsy photograph
S1-127	Description of autopsy photograph
SERIES FOUR: Physical Evidence	
S4-80	Undisclosed named witness
S4-81	Undisclosed named witness
S4-83	Undisclosed named witness
S4-84	Undisclosed named witness
S4-87	Undisclosed named witness
S4-88	Undisclosed named witness
S4-89	Undisclosed named witness
S4-90	Undisclosed named witness
S4-91	Undisclosed named witness
S4-92	Undisclosed named witness
S4-93	Undisclosed named witness
S4-94	Undisclosed named witness
S4-95	Undisclosed named witness
S4-96	Undisclosed named witness

S4-97	Undisclosed named witness
S4-106	Undisclosed named witness
S4-138	Undisclosed named witness
S4-207	Undisclosed named witness

The State requests that the above exhibit descriptions include witnesses' names that have not been widely disseminated by the media. The revealing of these individuals' names would contravene privacy concerns and likely subject them to undue harassment. The State incorporates its response to Court's Order Regarding Sealed Documents" filed on September 9, 2025.

Regarding exhibits S1-89 through S1-127, the State requests the Court redact the autopsy photograph descriptions pursuant to I.C.A.R. (g)(1). The photographs which are a part of the autopsy report are exempt from disclosure pursuant to RCW 68.50.105 and the State submits the descriptions of the photographs fall within this exemption. In addition, the descriptions are exempt pursuant to I.C.A.R. 32 (i)((3)(A)(1) (i.e. highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person).

71. 04/21/2025 - State's Witness List

The State incorporates the Sealed "States Response to Court's 'Order Regarding Sealed Documents" in response to this item.

72. 04/21/2025 - Defendant's Objections to the State's Requested Jury Instructions

The State has no objection to the unsealing of this item.

73. 04/20/2025 - State's Response to Defendant's Proposed Jury Instructions

The State has no objection to the unsealing of this item.

74. 04/15/2025 - Defendant's 2nd Response to Exhibit S-1 to State's First Supplemental Request for Discovery

The State has no objection to the unsealing of this item.

75. 04/15/2025 - Defendant's 2nd Response to State's First Supplemental Request for Discovery

The State has no objection to the unsealing of this item.

76. 04/15/2025 - Exhibit E to Defendant's 5th Supplemental Response to Discovery

The State requests the redaction of the potential lay witness names associated with items b, c, d, e, f, g, h, i, j, k, and m for this item.

The State incorporates its August 18, 2025 “Response to Court’s Order Regarding Sealed Documents” in response to this item.

In balancing the public’s access to the information, it is the State’s position that for the individuals identified above, the release of these names to the public could subject them to harassment, threats, stalking and/or other concerning behaviors by the public and/or media (as exhibited through the release of other names associated with the case). The State submits the release of these names would be an “unwanted invasion of personal privacy” pursuant to I.C. § 74-124 and 74-101(17)(a)(ii) and should be redacted in their entirety pursuant to ICAR 32(i)(3)(A)(1), (3), (5) and/or (7).

77. 04/15/2025 - Defendant's 5th Supplemental Response to Discovery

The State has no objection to the unsealing of this item.

78. 04/14/2025 - State's Requested Jury Instructions

The State has no objection to the unsealing of this item.

79. 04/14/2025 - State's Requested Jury Instructions

The State has no objection to the unsealing of this item (See item 78).

80. 04/14/2025 - State's Trial Brief

The State has no objection to the unsealing of this item.

81. 04/14/2025 - Defendant's Trial Brief

The State has no objection to the unsealing of this item.

82. 04/14/2025 - Defendant's Proposed Jury Instructions

The State has no objection to the unsealing of this item.

83. 04/11/2025 - Defendant's Response to State's First Supplemental Request for Discovery
RE: Transfer of Test Materials

The State has no objection to the unsealing of this item.

84. 04/08/2025 - Exhibit 4 in Support of Defendant's Objection to State's Motion in Limine
RE: AT&T Timing Advance

The State has no objection to the unsealing of this item.

85. 04/08/2025 - Exhibit D to Defendant's 4th Supplemental Response to Discovery

The State requests redactions to the referenced names that have not been widely disseminated by the media. The revealing of these individuals' names would contravene privacy concerns and likely subject them to undue harassment. The State incorporates its response to Court's Order Regarding Sealed Documents" filed on September 9, 2025.

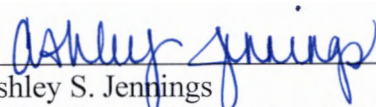
86. 04/04/2025 - Notice RE: Defense Expert Disclosure - Exhibit D7-B

The State objects to the unsealing of this item as it is protected pursuant to I.C.A.R. 32(i)(3)9(1) (i.e. contains highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person) and I.C.A.R. 32(g)(1) (See I.C. § 74-106(13) regarding records of psychiatric care or treatment and professional counseling records relating to an individual's condition, diagnosis, care or treatment).

87. 04/02/2025 - Exhibit S-1 to State's First Supplemental Request for Discovery Disclosure

The State has no objection to the unsealing of this item.

RESPECTFULLY SUBMITTED this 19th day of September 2025.



Ashley S. Jennings
Senior Deputy Prosecuting Attorney

CERTIFICATE OF DELIVERY

I hereby certify that true and correct copies of the STATE'S RESPONSE TO COURT'S SECOND ORDER REGARDING SEALED DOCUMENTS 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 19 day of September 2025.