

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.

Ada County Case No. CR01-24-31665

**ORDER UNSEALING, REDACTING
AND/OR MAINTAINING SEALED
STATUS OF SECOND DOCUMENT SET**

On September 3, 2025, the Court issued an order seeking the parties' position regarding the unsealing of the second set of documents identified therein.¹ The Court has reviewed the parties' respective responses and rules as follows:

A. Documents to UNSEAL

With regard to the following documents, the Court received no objection by either party to their unsealing and the Court finds no further justification under I.C.A.R 32(i)(3)(A) to warrant their continued sealed status:

- 44) 05/30/2025 - Parties Proposed Stipulated Jury Instruction
- 45) 05/28/2025 - State's Proposed Supplemental Jury Instruction
- 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
- 52) 05/22/2025 - Exhibit F to Defendant's 6th Supplemental Response to Discovery
- 53) 05/22/2025 - Defendant's 6th Supplemental Response to Discovery
- 54) 05/21/2025 - Defendant's Objections to the Juror Questionnaire
- 55) 05/21/2025 - Court Minutes - Closed Session
- 58) 05/14/2025 - 2nd Notice of Filing Defendant's Proposed Jury Instructions
- 59) 05/14/2025 - Notice of State's Amended Exhibit List and Motion to Seal
- 61) 05/09/2025 - Parties' Joint Proposed Jury Instruction Regarding Tip Leading to Investigation of the Defendant
- 72) 04/21/2025 - Defendant's Objections to the State's Requested Jury Instructions

¹ See, Second Order Seeking Parties' Position Regarding Sealed Documents (Sept. 3, 2025).

- 73) 04/20/2025 - State's Response to Defendant's Proposed Jury Instructions
- 75) 04/15/2025 - Defendant's 2nd Response to State's First Supplemental Request for Discovery
- 77) 04/15/2025 - Defendant's 5th Supplemental Response to Discovery
- 78) 04/14/2025 - State's Requested Jury Instructions
- 79) 04/14/2025 - State's Requested Jury Instructions (Duplicate)
- 82) 04/14/2025 - Defendant's Proposed Jury Instructions
- 84) 04/08/2025 - Exhibit 4 in Support of Defendant's Objection to State's Motion in Limine RE: AT&T Timing Advance

With regard to the following documents, the Court received objection by one or both parties to their unsealing. However, after considering the objection(s), the Court finds no further justification under I.C.A.R 32(i)(3)(A) to warrant their continued sealed status:

- 47) 05/27/2025 - Exhibit S-2 to State's Supplemental Rebuttal Disclosure RE: Penalty Phase Experts
- 49) 05/27/2025 - State's Supplemental Rebuttal Disclosure RE: Penalty Phase Expert
- 60) 05/13/2025 - Exhibit S-1 to State's Motion to Reclaim Exhibits²
- 63) 05/05/2025 - Court Minutes (SEALED)³
- 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
- 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
- 67) 04/25/2025 - Gage Declaration in Support of Motion for Examination
- 68) 04/25/2025 - State's Motion for Examination of Defendant Pursuant to I.C. 18-207 and for an Extension of Time

² While the State objects pursuant to ICAR 32(g)(7), which exempts from disclosure records of grand jury proceedings and the identity of jurors of grand juries, this document simply identifies some of the grand jury exhibits. It does not reveal testimony.

³ Both parties object to the unsealing of this document pursuant to I.C.A.R 32(g)(1), I.C. § 74-106(13) and I.C.A.R 32(i)(3)(A)(1) on grounds that reference is made to Defendant's mental health diagnoses. However, the references to Defendant's mental health are scant and, more importantly, his diagnoses (i.e., Autism Spectrum Disorder, Obsessive Compulsive Disorder, Attention Deficit Disorder) have already been made public as a result of Defendant raising them as a defense in this case, thus waiving any privilege he has in such information. The Court finds that Defendant's limited privacy interests in this information are outweighed by the public's right to access to the same. This same rationale applies to # 64, 65, 67, 68 and 74.

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

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

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

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

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

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

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

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

B. Documents to MAINTAIN SEALED STATUS

With regard to the following documents, the Court received objection by one or both parties to their unsealing. Having considered the objection(s), the Court agrees that their sealed status shall be maintained pursuant to I.C.A.R. 32(i)(3)(A):

48) 05/27/2025 - Exhibit S-1 to State's Supplemental Rebuttal Disclosure RE: Penalty Phase Experts: This document contains sensitive and detailed confidential mental health information of Defendant and other individuals that has not been publicly disclosed. The release of this information into the public realm would be highly objectionable to a reasonable person, which outweighs the public's right to access. Thus, they shall remain sealed pursuant to I.C.A.R. 32(i)(3)(A)(1).

50) 05/23/2025 - Defendant's Evidence in Support of Offer of Proof RE: Alternate Perpetrators: This document contains numerous references to the names and other personal identifying information of proffered alternate perpetrators that could be used to identify them, the publication of which would be highly objectionable to a reasonable person. To preserve their privacy, continued sealing is appropriate under I.C.A.R. 32(i)(3)(A)(1), (7).

56) 05/15/2025 - Court Minutes - Closed Session: This document references discussions between the Court and the parties regarding the potential leak of information in this case, which subsequently resulted in an investigation. This information is exempt from disclosure under I.C.A.R. 32(g)(1) and I.C. § 74-124(a).

57) 05/14/2025 - Defendant's Offer of Proof RE: Alternate Perpetrators: This document is replete with personal, intimate information about proffered alternate perpetrators that could be used to identify them and the publication of which would be highly objectionable to a reasonable person. To preserve their privacy, the Court finds sealing appropriate under I.C.A.R. 32(i)(3)(A)(1) and (7).

85) 04/08/2025 - Exhibit D to Defendant's 4th Supplemental Response to Discovery: This document identifies medical records for individuals other than Defendant. The release of this information into the public realm would be highly objectionable to a reasonable person, which outweighs the public's right to access. Thus, they shall remain sealed pursuant to I.C.A.R. 32(i)(3)(A)(1).

86) 04/04/2025 - Notice RE: Defense Expert Disclosure - Exhibit D7-B: This document identifies certain mental health information that is private and protected under I.C. § 74-106(13) and, therefore, exempt from disclosure under I.C.A.R. 32(g)(1). Further, the release of this information would be highly objectionable to a reasonable person and shall remain sealed. I.C.A.R. 32(i)(3)(A)(1).

C. Documents to UNSEAL and REDACT

With regard to the following documents, the Court received objection by one or both parties to their unsealing. Having considered the objection(s), the Court finds no further justification under I.C.A.R. 32(i)(3)(A) to warrant their continued sealed status, but redactions are necessary to balance the public's right to access with the privacy concerns implicated:

46) 05/28/2025 - Defendant's Amended Phase Two - Mitigation Witness List: This document identifies the names and addresses of mitigation witnesses identified by Defendant. The primary concern voiced by both parties is fear that these witnesses will face threats or harassment if their names are publicly revealed. However, the majority of these witnesses whose names have been publicly identified have reported no threats or harassment as a result and the few that have are largely individuals who had a prominent role in the case. There have been no reported episodes of threats or harassment that have placed a witness's life or safety in danger. Consequently, the Court does not find that being identified on Defendant's witness list will lead to threats or harassment of such a degree to outweigh the public's right to access, particularly given the time that has passed and the corresponding reduction in public furor. The public now has direct access to the

most relevant evidence in the case; thus, the need to chase down all potential leads is alleviated.⁴ While some of the listed witnesses may be contacted by the media and potentially harassed or threatened, this remote potential does not justify the continued sealing of the record. However, due to the fact that her health conditions may render her particularly susceptible to adverse effects from the potential of threats and harassment, the Court orders that the name of the witness with the initials "C.E." be redacted in favor of her initials. In addition, the Court will redact the addresses of each witness pursuant to I.C.A.R. 32(i)(3)(A)(7).

62) 05/05/2025 - Defendant's Phase Two - Mitigation Witness List: This document will be redacted consistent with #46, *supra*.

66) 04/25/2025 - Hurwit Declaration in Support of Motion for Examination: Exhibits S-3 and S-4 to this document are reports issued by Defendant's mental health experts containing confidential mental health information of Defendant and other individuals that has not been publicly disclosed. The release of this information into the public realm would be highly objectionable to a reasonable person, which outweighs the public's right to access. Thus, these two exhibits shall be redacted in full pursuant to I.C.A.R. 32(i)(3)(A)(1).

69) 04/21/2025 - Defendant's Phase One Lay Witness List: This document will be redacted consistent with #46, *supra*.

ORDERED and DATED this 16th day of October, 2025.


Steven Hippler
District Judge

⁴ In addition, there is little chance the reputational harm will arise by the fact that the individuals were named as a mitigation witness given that the vast majority of the individuals did not agree to voluntarily appear and sought to distance themselves from any association with Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on 10/16/2025, I served a true and correct copy of the **ORDER UNSEALING, REDACTING AND/OR MAINTAINING SEALED STATUS OF SECOND DOCUMENT SET** to:

WILLIAM W. THOMPSON, JR.
PROSECUTING ATTORNEY
VIA EMAIL: paservice@latahcountyid.gov

ASHLEY JENNINGS
SENIOR DEPUTY PROSECUTING ATTORNEY
VIA EMAIL: paservice@latahcountyid.gov

JOSHUA D. HURWIT
SPECIAL DEPUTY PROSECUTING ATTORNEY
VIA EMAIL: paservice@latahcountyid.gov

JEFFERY D. NYE
SPECIAL ASSISTANT ATTORNEY GENERAL
VIA EMAIL: jeff.nye@ag.idaho.gov

MADISON ALLEN
SPECIAL ASSISTANT ATTORNEY GENERAL
VIA EMAIL: Madison.allen@ag.idaho.gov

ANNE TAYLOR LAW, PLLC
ANNE C. TAYLOR
VIA EMAIL: info@annetaylorlaw.com

ELISA G. MASSOTH, PLLC
ELISA G. MASSOTH
VIA EMAIL: emassoth@kmrs.net

IDAHO STATE PUBLIC DEFENDER'S OFFICE
FIRST DISTRICT PUBLIC DEFENDER
JAY W. LOGSDON
VIA EMAIL: jay.logsdon@spd.idaho.gov

BICKA BARLOW
Pro Hac Vice
VIA EMAIL: bickabarlow@sbcglobal.net

TRENT TRIPPLE
Clerk of the Court

By: 
Deputy Clerk 10/16/2025 7:31:24 PM

CERTIFICATE OF SERVICE