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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
DEFENDANT'S OBJECTION TO
REQUEST FOR RESTITUTION

COMES NOW the State of Idaho, by and through the Latah County Prosecuting Attorney, and respectfully responds to the "Defendant's Objection to the State's Request for Additional Restitution" filed on October 7, 2025.

The State acknowledges the Rule 11 Plea Agreement filed herein. Regarding restitution, under Section 4 the agreement states: "The State may seek restitution orders regarding funeral expenses and Crime Victims Compensation reimbursement in an amount to be determined." At

STATE'S RESPONSE TO DEFENDANT'S OBJECTION TO
REQUEST FOR RESITUTION

the time of the plea agreement, the State was under the impression certain expenses incurred by the victims' families would be covered by Crime Victims Compensation. After the sentencing hearing, the State was informed that Crime Victims Compensation will not cover travel and lodging expenses for attendance of court proceedings. On behalf of the victims, the State submits the itemization of expenses that were incurred by the victims' families, including expenses not covered by Crime Victims Compensation for the Court's consideration (see State's Exhibit 1). The State is affirmatively advocating for payment of funeral expenses as itemized by State's Exhibit 2 pursuant to the Plea Agreement.

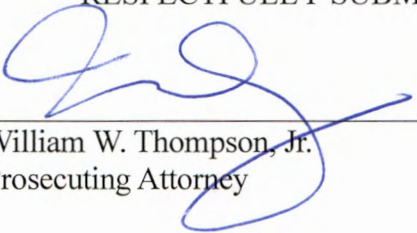
The Defendant argues that the requested restitution should not qualify as "direct economic loss" since the victims' families received third-party donations. Under Idaho Code § 19-5304 and controlling precedent directly injured victims may receive full restitution despite third-party payments unless those third parties qualify as statutory victims through contractual obligations to pay. *State v. Cheeney*, 144 Idaho 294 (2007). Applying the *Cheeney* analysis to this case, charitable donations such as those received through GoFundMe, arise from voluntary generosity rather than legal obligations. Since charitable donors lack contractual obligations to pay victims, they cannot qualify as statutory victims under Idaho Code § 19-5304(1)(e)(iv). Therefore, their payments do not reduce the Defendant's restitution obligation to the directly injured victims under I.C. § 19-5304. *Id.* This is also supported by public policy consideration focusing on making the victims of crime whole for a defendant's criminal conduct rather than accounting for victim's good fortune in receiving community support. *State v. Shultz*, 148 Idaho 884 (2008).

Lastly, the Defendant argues that restitution should not be awarded based on Defendant's "ability to earn money or pay money given his four consecutive life sentences plus 10 years." Defendant's Objection, Page 4. Idaho Code § 19-5304 provides clear authority for courts to order restitution from life sentence defendants. The statute mandates that courts shall order a defendant found guilty of any crime which results in economic loss to the victim to make restitution to the victim unless the court determines restitution would be "inappropriate or undesirable." I.C. 19-5304(1). The immediate inability to pay restitution shall not be in and of itself a reason to deny restitution. *State v. Bybee*, 115 Idaho 541, 768 P.2d 804 (Ct. App. 1989). While Idaho law permits restitution orders for life sentence defendants, courts retain discretion to determine whether restitution is appropriate in individual cases. This discretion enables courts to consider the specific circumstances of life sentence cases, including the defendant's age, health, and realistic earning potential. In this case there is a history of this Defendant receiving financial compensation from family and third parties. By way of example, the State is attaching a summary of the financial contributions made to Defendant while he was in custody at the Ada County Jail and the Latah County Jail (See State's Exhibit 3). In the event that Defendant is able to obtain financial compensation from third-parties or family, the victims should have ready access to these assets for the satisfaction of their losses.

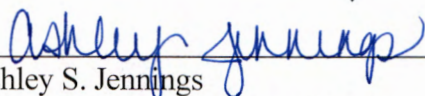
Additionally, this case has and will continue to attract world-wide attention which could result in the Defendant prospectively receiving monies subject to interception by the state treasurer pursuant to I.C. § 19-5301(1). Restitution orders may be recorded as civil judgments under I.C. § 19-5305(1) and should be collectible from any monies prospectively deposited in escrow with the state treasurer.

Based on the above, the State hereby amends "State's Request for Restitution" filed on September 22, 2025, seeking outstanding funeral related expenses per the Rule 11 Plea Agreement and simply submits the balance of the victims' requests for the Court's consideration.

RESPECTFULLY SUBMITTED this 24th day of October 2025.



William W. Thompson, Jr.
Prosecuting Attorney



Ashley S. Jennings
Senior Deputy Prosecuting Attorney

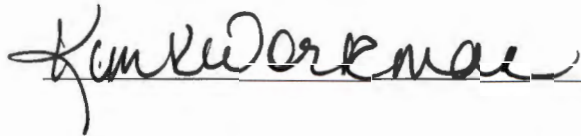
CERTIFICATE OF DELIVERY

I hereby certify that true and correct copies of the STATE'S RESPONSE TO DEFENDANT'S OBJECTION TO REQUEST FOR ADDITIONAL RESTITUTION 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 24th day of October 2025.

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