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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 THIRD 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 October 16, 2025 "Third 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:

88. 3/31/25 State's Response to Defendant's Proposed Jury Questionnaire

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

89. 3/31/25 Defendant's Objections to State's Jury Questionnaire Proposals

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

90. 3/31/25 Exhibits to Defendant's 3rd Supplemental Response to Request for Discovery RE: Expert Witnesses (Penalty Phase)

The State has no objection to the unsealing of the Index.

The State has no objection to the unsealing of Exhibit D7-D.

The State objects to the unsealing of Exhibit D7-E as this item 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).

The State has no objection to the unsealing of Exhibit D13-D.

The State objects to the unsealing of Exhibit D13-E as this item 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).

The State has no objection to the unsealing of Exhibit D-19-A.

Exhibit D19-B would require redactions from Page 12, Section d, through Page 13, as this item are 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).

The State has no objection to the unsealing of Exhibit D20-A.

Exhibit D20-B would require redactions as follows:

Page 2, Section 9
Page 2, Section 11
Page 3, Section 13
Page 3-4, Section 14
Page 4-5, Section 15
Page 5, Section 16
Page 5, Summary
Exhibit 3 in entirety

These items are 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)(l) (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).

The State objects to the unsealing of Exhibit D20-C as this item 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)(l) (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).

The State has no objection to the unsealing of Exhibit D-21-A, B, and C.

Exhibit D22-A would require redactions related to diagnosis (last sentence of paragraph two) as this information 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)(l) (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).

The State objects to the unsealing of Exhibit D22-B as this item 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)(l) (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).

The State has no objection to the unsealing of Exhibit D22-C.

91. 3/27/25 Exhibit C to Defendant's 3rd Supplemental Response to Request for Discovery

The State requests redactions to this document to redact the name of the referenced family member 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).

92. 3/26/25 Defendant's Exhibit 1a in Support of Affidavit and Objection to State's Motion in Limine RE: Text Messages and Testimony

The State requests redaction to Exhibit 1a of phone numbers and email addresses as this information 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

93. 3/24/25 Defendant's Proposed Jury Questionnaire

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

94. 3/24/25 Defendant's Reply to State's Objection to Motion in Limine #5

This item would require redactions which references testimony at the grand jury proceeding (Page 2, Paragraph 1; Page 2-3, last sentence; Page 3 second paragraph). This information is protected pursuant to I.C.A.R. 32(g)(7).

95. 3/24/25 State's Exhibit S-23(b) – Walthall

The State has no objection to the unsealing of Lab Report 2.

The State requests redactions to Lab Report 15 to redact the names of unrelated third-party witnesses pursuant to I.C.A.R. 32(i)(3)(A)(1) and (7). The vast majority of the named unrelated third-party witnesses voluntarily provided their buccal swabs/latent prints so that they could be excluded as suspects in the case. The unsealing of this record would contravene privacy concerns for these individuals and likely subject them to reputational harm as being identified as possible “suspects” in a quadruple homicide.

96. 3/24/25 State's Exhibit S-22(b) – Seat

The State requests redactions to Lab Report 3 to redact the name of an unrelated third-party witness pursuant to I.C.A.R. 32(i)(3)(A)(1) and (7). The named unrelated third-party witness voluntarily provided his/her buccal swab so he/she could be excluded as a suspect in the case. The unsealing of this record would contravene privacy concerns for this individual and likely subject him/her to reputational harm as being identified as possible “suspect” in a quadruple homicide.

97. 3/24/25 State's Exhibit S-20(b) – Nord

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

98. 3/24/25 State's Exhibit S-19(b) – Miller

The State requests redactions to Lab Reports 7, 13, 26, 31, and 34 to redact the names of unrelated third-party witnesses pursuant to I.C.A.R. 32(i)(3)(A)(1) and (7). The vast majority of the named unrelated third-party witnesses voluntarily provided their buccal swabs/latent prints so that they could be excluded as suspects in the case. The unsealing of this record would contravene privacy concerns for these individuals and likely subject them to reputational harm as being identified as possible “suspects” in a quadruple homicide.

The State has no objection to the unsealing of Lab Report 36.

99. 3/24/25 State's Exhibit S-18(b) - Martinez (Part 1)

The State requests redactions to Lab Reports 5, 10, 27, 32, 37, 38, 39, 40, and 41 to redact the names of unrelated third-party witnesses pursuant to I.C.A.R. 32(i)(3)(A)(1) and (7). The vast majority of the named unrelated third-party witnesses voluntarily provided their buccal swabs/latent prints so that they could be excluded as suspects in the case. The unsealing of this record would contravene privacy concerns for these individuals and likely subject them to reputational harm as being identified as possible “suspects” in a quadruple homicide.

The State has no objection to the unsealing of Lab Reports 11, 21, 23, 24, 25, and 30.

100. 3/24/25 State's Exhibit S-18(b) - Martinez (Part 2)

See Item 99.

101. 3/24/25 State's Exhibit S-15(c) Rebuttal – Ayers

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

102. 3/24/25 State's Exhibit S-8(a) Rebuttal – Hille

The State requests redactions to the personally identifiable information such as cell phone numbers listed on Bates 15990 and 15991 pursuant to I.C.A.R. 32(i)(3)(A)(1).

103. 3/24/25 State's Exhibit S-7(b) Rebuttal – Gilbertson

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

104. 3/24/25 State's Exhibit S-25(b) – Youngling

The State requests redactions to Lab Report 4 to redact the names of unrelated third-party witnesses pursuant to I.C.A.R. 32(i)(3)(A)(1) and (7). The vast majority of the named unrelated third-party witnesses voluntarily provided their buccal swabs/latent prints so that they could be excluded as suspects in the case. The unsealing of this record would contravene privacy concerns for these individuals and likely subject them to reputational harm as being identified as possible “suspects” in a quadruple homicide.

The State has no objection to the unsealing of Lab Report 12, 21, and 25.

105. 3/24/25 State's Exhibit S-24(b) – Wilt

The State has no objection to the unsealing of Lab Reports 1, 22, 28, 29, 33, and 35.

The State requests redactions to Lab Reports 3, 9, and 14 to redact the names of unrelated third-party witnesses pursuant to I.C.A.R. 32(i)(3)(A)(1) and (7). The vast majority of the named unrelated third-party witnesses voluntarily provided their buccal swabs/latent prints so that they

could be excluded as suspects in the case. The unsealing of this record would contravene privacy concerns for these individuals and likely subject them to reputational harm as being identified as possible “suspects” in a quadruple homicide.

106. 3/24/25 State's Exhibit S-17(b) – Maichek

The State requests redactions to Lab Reports 1, 4, and 20 to redact the names of unrelated third-party witnesses pursuant to I.C.A.R. 32(i)(3)(A)(1) and (7). The vast majority of the named unrelated third-party witnesses voluntarily provided their buccal swabs/latent prints so that they could be excluded as suspects in the case. The unsealing of this record would contravene privacy concerns for these individuals and likely subject them to reputational harm as being identified as possible “suspects” in a quadruple homicide.

107. 3/24/25 State's Exhibit S-16(b) - Dace White

The State has no objection to the unsealing of Lab Report 16.

108. 3/24/25 State's Exhibit S-15(b) – Ayers

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

109. 3/24/25 State's Exhibit S-10 – Mowery

The State requests redactions to the personally identifiable information (cell phone numbers, IMEI, and email addresses) provided on Bates 132, 133, 165, 171, 174, 175, 180, 181, 189, 201, 208, 232, 233, 234, 255, 13279, 5091, 5274, 5276, 5401, 5447, 5453, 7427, 8162, 9255, 9258, 9260, 9261, 13016, 13288, 13826, 13836, 13902, 14625, 14722, 14725, 14726, 14814, 14960, 14963, 15700, pursuant to I.C.A.R. 32(i)(3)(A)(1).

110. 3/24/25 State's Exhibit S-7(d) – Douglass

The State objects to the unsealing of this item pursuant to I.C.A.R. 32(g)(1) and (7).

111. 3/24/25 State's Response to Defendant's Motion to Adopt Voir Dire Procedure and Objection to "Magic Question"

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

112. 3/24/25 State's Proposed Jury Questionnaire

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

113. 3/20/25 Defendant's exhibit in Support of Their Objection to the State's Motion in Limine RE: Self-Authentication of Records

The State objects to the unsealing of this item pursuant to I.C.A.R. 32(g)(1) and (7).

114. 3/19/25 Exhibit S-1 to State's Response to Defendant's 7th Motion to Compel

The State requests redactions to the personally identifiable information (i.e. cell phone numbers) pursuant to I.C.A.R. 32(i)(3)(A)(1)

115. 3/17/25 State's Response to Defendant's Motion in Limine #14 RE: Statistical Analysis

Consistent with Item 94 above, this item would require redactions which references testimony at the grand jury proceeding. This information is protected pursuant to I.C.A.R. 32(g)(7).

116. 3/17/25 Exhibits 1-4 to State's Response to Defendant's Motion in Limine #7

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

117. 3/17/25 State's Response to Defendant's Motion in Limine #5

Consistent with Item 94 and 115 above, this item would require redactions which references testimony at the grand jury proceeding. This information is protected pursuant to I.C.A.R. 32(g)(7).

118. 3/17/25 Defendant's Objection to State's Notice of Intent to Use IRE 404(B) Evidence

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

119. 3/17/25 Defendant's Objection to State's Motion in Limine re: 911 Call

This item would require redactions which references testimony at the grand jury proceeding. This information is protected pursuant to I.C.A.R. 32(g)(7).

120. 3/17/25 Exhibits 1, 2, 3, to Defendant's Objection to State's Motion in Limine RE: Admissibility of Demonstrative Evidence

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

121. 3/17/25 Exhibits 1 2 3 to Defendant's Objection to State's Motion in Limine RE: AT&T Timing Advance Records

The State requests redactions to the personally identifiable information (i.e. cell phone numbers) pursuant to I.C.A.R. 32(i)(3)(A)(1) listed on Bates 3775, Defendant's Exhibit 3, and the Search Warrant.

122. 3/17/25 Exhibits 1 & 2 to Defendant's Objection to State's Motion in Limine RE: Text Messages and Testimony

The State requests redactions to the personally identifiable information (i.e. cell phone numbers) pursuant to I.C.A.R. 32(i)(3)(A)(1).

123. 3/17/25 Exhibit D1 3 to Defendant's Response to State's Motion in Limine RE: Neuropsychological and Psychiatric Evidence

The State objects to the unsealing of Exhibit D1-3 as this item 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).

124. 3/27/25 Exhibit 1 to Defendant's Objection to State's Motion in Limine RE: 911 Call Under Seal

The State objects to the unsealing of this item as it is testimony from the grand jury proceeding. This information is protected pursuant to I.C.A.R. 32(g)(7).

125. 3/17/25 Defendant's Objection to State's Motion in Limine RE Self-Authentication of Records

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

126. 3/14/25 Exhibits S1 - S4 to States Amended Supplemental Response to Request for Discovery RE: Expert Testimony

The State has no objection to the unsealing of State's Exhibit S-1 but requests redactions to personally identifiable information (i.e. email addresses) pursuant to I.C.A.R.32(i)(3)9(1).

The State has no objection to the unsealing of State's Exhibit S-2 but requests redactions to the Account Number/User ID and email addresses pursuant to I.C.A.R.32(i)(3)9(1).

The State has no objection to the unsealing of State's Exhibit S-3.

The State has no objection to the unsealing of State's Exhibit S-4.

127. 3/13/25 Exhibit B to Defendant's 2nd Supp Response to Discovery

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

128. 3/7/25 Proof of Service NCO

The State requests redactions to the protected parties personally identifiable information (i.e. dates of birth) pursuant to I.C. 74-101.

129. 3/7/25 Order Modifying / Amending No Contact Order

The State requests redactions to the protected parties personally identifiable information (i.e. dates of birth) pursuant to I.C. 74-101.

130. 3/6/25 Exhibit A to Defendant's 7th Motion to Compel

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

131. 3/3/25 Exhibits S-1 through S-13 to States Amended Supplemental Response to Request Discovery RE Expert Testimony

The State has no objection to the unsealing of Exhibits S1-S7.

The State requests redactions to Exhibit S-8 to redact the name of an unrelated third-party witnesses pursuant to I.C.A.R. 32(i)(3)(A)(1) and (7). This witness voluntarily provided their buccal swabs/latent prints so that he/she could be excluded as suspects in the case. The unsealing of this record would contravene privacy concerns for this individual and likely subject him/her to reputational harm as being identified as possible “suspect” in a quadruple homicide.

The State has no objection to the unsealing of Exhibits S9-S12.

132. 3/3/25 Exhibits to Defendant's 2nd Supplemental Response to Discovery RE: Expert Witnesses

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

133. 3/3/25 Notice of Filing Signed and Notarized Affidavit

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

134. 3/3/25 Order on the Parties Agreement to not mention 2014 Cell Phone Incident During Trial

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

135. 2/24/25 Exhibits 1 & 2 in Support of Motion to Strike Death Penalty re: Autism Spectrum Disorder

The State has no objection to the unsealing of Exhibit 1.

The State objects to the unsealing of the Exhibit 2 as this item 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).

136. 2/24/25 Stipulated Agreement of the Parties to Not Mention 2014 Cell Phone Incident During Trial

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

137. 2/24/25 Defendant's Motion in Limine #14 re: Statistical Analysis (NOT REDACTED)

Consistent with Item 94, 115, and 117 above, this item would require redactions which references testimony at the grand jury proceeding. This information is protected pursuant to I.C.A.R. 32(g)(7).

138. 2/24/25 Defendant's Motion in Limine #5 re: Inconclusive Data (NOT REDACTED)

Consistent with Item 94, 115, 117, and 137 above, this item would require redactions which references testimony at the grand jury proceeding. This information is protected pursuant to I.C.A.R. 32(g)(7).

139. 2/24/25 Exhibits in Support of Motion in Limine RE: Witness Identification by Bushy Eyebrows

The State has no objection to the unsealing of Exhibits 1-9.

The State objects to the unsealing of Exhibit 10 as it is testimony from the grand jury proceeding. This information is protected pursuant to I.C.A.R. 32(g)(7).

140. 2/24/25 Exhibits 1 2 3 in Support of Motions in Limine RE: Vague and Undisclosed Expert Testimony

Consistent with above, the State requests redactions to Exhibit 1 to redact the name of an unrelated third-party witnesses pursuant to I.C.A.R. 32(i)(3)(A)(1) and (7). This witness voluntarily provided their buccal swabs/latent prints so that he/she could be excluded as suspects in the case. The unsealing of this record would contravene privacy concerns for this individual and likely subject him/her to reputational harm as being identified as possible "suspect" in a quadruple homicide.

The State has no objection to the unsealing of Exhibits 2 and 3.

141. 2/24/25 Exhibits 1 2 3 4 5 in Support of Motion in Limine RE: Excluding IGG Evidence

The State requests redactions to Exhibit 1 to redact the names unrelated third-party witnesses pursuant to I.C.A.R. 32(i)(3)(A)(1) and (7).

The State has no objection to the unsealing of Exhibit 2-5.

142. 2/24/25 Exhibit 1 in Support of Motion in Limine RE: Conditions as Aggravator

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

143. 2/24/25 Exhibit 1 in Support of Motion in Limine RE: Excluding Amazon Click Activity Evidence at Trial

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

144. 2/24/25 Exhibit 1 in Support of Motion in Limine RE: Using the Terms Psychopath or Sociopath

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

145. 2/24/25 Defendant's Motion in Limine #7 RE: Witness Identification by Bushy Eyebrows

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

146. 2/24/25 State's Motion in Limine RE: Self-Authentication of Records

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

147. 2/24/25 State's Motion in Limine RE: Text Messages and Testimony

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

148. 2/24/25 Exhibit S-1 to State's Motion in Limine RE: Immediate Family Members in Courtroom

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

149. 2/24/25 State's Motion in Limine RE: 911 Call

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

150. 2/21/25 Transcript of Hearing Held Jan 23, 2025 [Redacted]

The State requests the following redactions remain in place:

Page 151, line 6-8 and 15 (this portion of the transcript deals with the names of distant relatives of the Defendant identified through investigative genetic genealogy research and which is already subject to a protective order previously issued by the Honorable John C. Judge, when he was presiding in this case.)

Page 153, line 9 – (this portion of the transcript relates to potential relatives of the Defendant through the use of Investigative Genetic Genealogy (IGG) and whose identities are subject to the

prior presiding judge's Protective Order on IGG materials).

The State respectfully submits these redactions are appropriate under I.C.A.R. 32 (g)(1) in that they are exempt from public disclosure under Idaho Code 74-124(1)(c) as public release would constitute an "unwarranted invasion of personal privacy" as defined by Idaho Code 74-101(16)(a)(ii).

151. 2/18/25 Proposed Redactions to January 23, 2025 Closed Hearing Transcript

The State requests redactions consistent with the State's response to Item 150.

152. 2/17/25 Exhibits (cont.) to State's Rebuttal to Defendant's Supp Discovery Response RE Expert Witnesses

The State has no objection to the unsealing of Exhibits S-1, S-1a, S-2, S-3, S-4, S-5, S-6, S-6a, S-6b, S-7, S-7a, S-8, S-9, S-10, S-10a, S-10b, S-11, S-12, S-13a, S-14.

The State requests redactions to Exhibit S-13 (Page 7, 8, 9, and 18). This information 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). Redaction of this information would also be consistent with Judge Marshall's October 1, 2025 "Memorandum Decision Granting In Part Plaintiff's Complaint for Permanent Injunction" holding that the plaintiff's (i.e. victims' immediately family members) privacy interests outweigh the public's interest in disclosure. Related to photographs of the crime scene the Court stated the City "must blackout any areas within the images, photographs, video, or other media that depict any portion of the decedents or their bodies and the blood immediately surrounding them." (See attached State's Exhibit 1, Page 11).

153. 2/17/25 Exhibits to State's Rebuttal to Defendant's Supplemental Response to Request for Discovery Regarding Expert Witnesses

See State's Response to Item 152.

154. 2/11/25 Exhibit S-1 to State's Response to Defendant's 22nd Supplemental Request for Discovery

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

155. 2/10/25 Exhibit S-1 RE State's Motion to Extend State's Rebuttal Expert Disclosure Deadline

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

156. 2/7/25 Exhibit List/Log

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

157. 1/28/25 Exhibit U to Defendant's 22nd Supplemental Request for Discovery

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

158. 1/27/25 State's Supplemental Response to Request for Discovery RE: Penalty Phase Experts

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

159. 1/27/25 Exhibits S-1 and S-1(a-e) to State's Supplemental Response to Request for Discovery Regarding Penalty Phase Experts

The State objects to the unsealing of this item 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) (documents and records restricted by state or federal law) (See RCW 68.50.105).

160. 1/23/25 Exhibits to Defendant's Supplemental Response to Request for Discovery Regarding Expert Witnesses

The State has no objection to the unsealing of the Index, Exhibit D1-A, D1-C, D2-A, D2-B, D2-C, D3-A, D3-C, D4-A, D4-B, D5-A, D5-C, D6-A, D6-C, D7-A, D7-C, D8-A, D8-C, D9-A, D9-B, D9-C, D10-A, D10-B, D10-C, D11-A, D11-C, D12-A, D12-B, D12-C, D13-A, D13-C, D14-A, D14-C, D15-A, D15-C, D16-A, and D16-C.

The State requests redactions to Exhibit D1-B (Defendant's Bates 3128; 3131-3132; 3139; and 3142) to redact the names of an unrelated third-party witnesses pursuant to I.C.A.R. 32(i)(3)(A)(1) and (7). These witnesses voluntarily provided their buccal swabs/latent prints so that they could be excluded as suspects in the case. The unsealing of this record would contravene privacy concerns for these individuals and likely subject them to reputational harm as being identified as possible "suspects" in a quadruple homicide.

The State requests redactions to Exhibit D3-B (Defendant's Bates 3197; 3205; 3206; and 3209) to redact the names of an unrelated third-party witnesses pursuant to I.C.A.R. 32(i)(3)(A)(1) and (7). These witnesses voluntarily provided their buccal swabs/latent prints so that they could be excluded as suspects in the case. The unsealing of this record would contravene privacy concerns for these individuals and likely subject them to reputational harm as being identified as possible "suspects" in a quadruple homicide.

The State requests redactions to Exhibit D5-B (Defendant's Bates 3238, and 3240) to redact the names of an unrelated third-party witnesses pursuant to I.C.A.R. 32(i)(3)(A)(1) and (7). The unsealing of this information would contravene privacy concerns for these individuals and likely subject them to reputational harm as being identified as possible relatives to a Defendant in a quadruple homicide.

The State requests redactions to Exhibit D6-B (Defendant's Bates 3254; 3255; 3257; 3259; 3260; 3263; 3265; 3268; 3269; 3270; 3271; 3275; 3276; 3279; 3280; 3281; 3282; 3284; 3285; 3291; 3299; 3304; 3306; 3307; 3308; 3309; 3310; 3311; 3312; 3313; 3314; 3315; 3316; 3317; 3318; 3319; 3348; 3349; 3350; 3351; 3352; 3353; 3354; 3355; 3356; 3357; 3358; 3359; 3360; 3361; 3362; 3363; 3364; 3365; 3366; 3367; 3368; 3369; and 3372). This information 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). Redaction of this information would also be consistent with Judge Marshall's October 1, 2025 "Memorandum Decision Granting In Part Plaintiff's Complaint for Permanent Injunction" holding that the plaintiff's (i.e. victims' immediately family members) privacy interests outweigh the public's interest in disclosure. Related to photographs of the crime scene the Court stated the City "must blackout any areas within the images, photographs, video, or other media that depict any portion of the decedents or their bodies and the blood immediately surrounding them." (See attached State's Exhibit 1, Page 11).

The State objects to the unsealing of D7-B since this information 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).

The State has no objection to the unsealing of Exhibit D11-B but request redactions (Defendant's Bates 3826, 3827, 3828, 3829, 3830, 3831, 3832, 3833, and 3834) to redact personally identifiable information (i.e. cell phone numbers) pursuant to I.C.A.R.32(i)(3)9(1).

The State objects to the unsealing of D13-B since this information 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).

The State has no objection to the unsealing of Exhibit D14-B but request redactions (Defendant's Bates 3973, 3977, and 3990) to redact personally identifiable information (i.e. cell phone numbers) pursuant to I.C.A.R.32(i)(3)9(1).

The State requests redactions to Exhibit D16-B (Defendant's Bates 4039, 4041, 4042, 4043, 4045, 4046, and 4047) This information 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). Redaction of this information would also be consistent with Judge Marshall's October 1, 2025 "Memorandum Decision Granting In Part Plaintiff's Complaint for Permanent Injunction" holding that the plaintiff's (i.e. victims' immediately family members) privacy interests outweigh the public's interest in disclosure. Related to photographs of the crime scene the Court stated the City "must blackout any areas within the images, photographs, video, or other media that depict any portion of the decedents or their bodies and the blood immediately surrounding them." (See attached State's Exhibit 1, Page 11).

The State requests redactions to D16-B which references grand jury testimony (Defendant's Bates 4098). This information is protected pursuant to I.C.A.R. 32(g)(7); and information obtained from the autopsy reports (Defendant's Bates 4098-4104; 4105; 4106 (including pictures); 4101 (including picture); 4108; 4109 (including pictures); 4110 (including picture); 4111; 4112 (including pictures); 4113 (including pictures); 4114; 4115 (including pictures)) which are 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) (documents and records restricted by state or federal law) (See RCW 68.50.105).

161. 1/23/25 Defendant's Supplemental Response to Request for Discovery RE: Expert Witnesses

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

162. 1/23/25 Court Minutes

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

163. 1/21/25 Court Minutes

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

164. 1/17/25 Defendant's Supplemental Witness List for Motions hearing on 1/23/25

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

165. 1/16/25 Witness and Exhibit List - Disclosure for Hearing on January 23, 2025

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

166. 1/16/25 Motion to Allow Out of State Witness to Testify via Zoom (Stipulated)

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

167. 1/15/25 Subpoena Issued

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

168. 1/9/25 Exhibit A to Defendant's 1st Supplemental Response to Discovery

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

169. 1/9/25 Witness and Exhibit List for Motion(s) Hearing on 1/23/25 (Defendant's

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

170. 1/7/25 Exhibit B - Defendant's Reply to State's Objection to Motion to Compel 16(b)(7)

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

171. 1/7/25 Amended Exhibit s-10 Lawrence Mowery

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

172. 1/7/25 Amended Expert Disclosure RE: Lawrence Mowery (S-10)

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

173. 1/7/25 No Contact Order Proof of Service NCO

The State requests redactions to the protected parties personally identifiable information (i.e. dates of birth) pursuant to I.C. 74-101.

174. 1/7/25 No Contact Order Proof of Service NCO

The State requests redactions to the protected parties personally identifiable information (i.e. dates of birth) pursuant to I.C. 74-101.

175. 1/6/25 Order Modifying / Amending No Contact Order (multiple)

The State requests redactions to the protected parties personally identifiable information (i.e. dates of birth) pursuant to I.C. 74-101.

176. 1/3/25 Subpoena Issued

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

177. 1/2/25 Exhibit T to Defendant's 21st Supplemental Request for Discovery

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

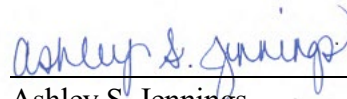
178. 1/2/25 Exhibit A to Motion to Compel 16(b)(7)

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

179. 1/2/25 Exhibit SEALED Exhibit to State's Objection to Defendant's Motion to Compel ICR
16(b)(7) Material and for Sanctions

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

RESPECTFULLY SUBMITTED this 30th day of October 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
THIRD 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 30th day of October 2025.



Defendant.

MEMORANDUM DECISION
GRANTING IN PART PLAINTIFFS'
COMPLAINT FOR PERMANENT
INJUNCTION

I. BACKGROUND



multiple law enforcement agencies partnered to investigate and process the crime scene. Among the first to respond was the Moscow Police Department (“MPD”). As part of the investigation, videos, photographs, reports, and other evidentiary materials were generated, which ultimately led to Bryan Kohberger’s arrest.

For a multitude of reasons, the criminal case garnered worldwide interest. Until July 2, 2025, the criminal case was pending trial, and until July 17, 2025, a non-dissemination order was in place, which prevented the disclosure of certain records to preserve the parties’ right to a fair trial. On July 23, 2025, a Judgment of Conviction and Commitment was entered concluding the criminal proceeding.

Since July 23, 2025, the City has received over 1,150 public records requests for information related to the criminal investigation, including but not limited to: crime scene photographs, 911 calls, police reports, body camera footage, witness statements, autopsy reports, and MPD investigatory records. In response to the requests, the City made redacted police reports available to the public via a weblink and disclosed 186 photographs taken at the crime scene, some with blurring over the decedents’ bodies. On August 11, 2025, the City provided copies of these photographs and certain redacted video to Plaintiffs’ counsel and informed counsel that the City would be disclosing the redacted videos, including redacted body camera (“bodycam”) videos from MPD officers that depict the crime scene, as well as other materials within the coming days. Upon reviewing the photographs and video provided, Plaintiffs’ counsel emailed a response to the City objecting to the release of any additional materials in the case because it would constitute a violation of Plaintiffs’ personal privacy.

On August 12, 2025, Karen Laramie (“Laramie”), Mogen’s mother, filed this Complaint for “an injunction restraining the City of Moscow from releasing further images related to the homicide investigation of Plaintiff’s daughter.” Along with her Complaint, Laramie filed an Ex-Parte Motion

for Temporary Restraining Order under I.R.C.P. 65(b). Following an in-camera review of four redacted bodycam videos and approximately 181 photographs, an Order Granting Plaintiff's Motion for Temporary Restraining Order and a Temporary Restraining Order were issued on August 15, 2025, that temporarily restrained the City from disclosing any images, audio, or video depicting the inside of Mogen's bedroom until a hearing on the preliminary or permanent injunction. On August 21, 2025, the City released additional bodycam videos and crime scene photographs that blacked out the bedrooms entirely in lieu of blurring the decedents' bodies.

On August 23, 2025, Plaintiffs filed their First Amended Complaint adding Stacy and James Chapin, Chapin's parents, and Maizie Chapin, Chapin's sister, as plaintiffs. Plaintiffs seek a permanent injunction restraining the City from releasing: "(1) images of the interior of Victims' residence; (2) images of the Victims, whether blurred or not, (3) images of the bedrooms where the victims were murdered; (4) images of the death scenes/murder scenes, including images of pools of blood, blood splatters and dried blood; (5) images of the personal property and items of the Victims of the homicides found inside the interior and exterior of the residence, including but not limited to containers of alcohol, underwear, ID cards and other personal items; (6) images of witnesses, including witnesses hugging each other and sobbing; (7) video and audio media containing sounds of the witnesses, including sounds of them sobbing; and (8) video and audio media containing statements of witnesses given to law enforcement officials, including statements evidencing their extreme emotions."

On August 25, 2025, the parties submitted a Stipulation of the Parties Submitting this Matter for a Decision on the Permanent Injunction Based on the Declarations, Pleadings and Briefing on File. On August 28, 2025, a hearing was held on Plaintiffs' complaint via Zoom. Attorney Leander James appeared on behalf of Plaintiffs. City of Moscow Attorney Mia Batista, attorney Andrew

Pluskal, and attorney Bentley Stromberg appeared on behalf of Defendant City of Moscow. Following the hearing, the Court took the matter under advisement and issued an Amended Temporary Restraining Order which prohibited the City from disclosing any images, audio, or video depicting the inside of the bedrooms of Mogan, Goncalves, and Kernodle.

Now, having considered the evidence, pleadings, and argument, the Court issues the following memorandum decision granting in part Plaintiffs' complaint for permanent injunction.

II. LEGAL STANDARD

Pursuant to Rule 65 of the Idaho Rules of Civil Procedure, a party may petition the court for an injunction and/or a restraining order in a civil proceeding. While Rule 65 addresses temporary restraining orders and preliminary injunctions, it only briefly addresses permanent injunctions by stating that “[b]efore or after beginning the hearing on a motion for a preliminary injunction, the court may advance the trial on the merits and consolidate it with the hearing.” Here, the parties stipulated to essentially forgo a hearing on a preliminary injunction and instead submit the matter for a decision on the permanent injunction at the August 28, 2025, hearing. Unlike a temporary injunction, “[a] permanent injunction . . . is entered at the resolution of the case, and requires a showing of threatened or actual irreparable injury.” *Gem State Roofing, Inc. v. United Components, Inc.*, 168 Idaho 820, 834, 488 P.3d 488, 502 (2021). Further, “in order to deny a permanent injunction the trial court must be persuaded that there is ‘no reasonable expectation that the wrong will be repeated.’” *Id.* (quoting *O’Boskey v. First Fed. Sav. & Loan Ass’n of Boise*, 112 Idaho 1002, 1007, 739 P.2d 301, 306 (1987)).

III. ANALYSIS

A. Idaho Public Records Act

In accordance with the Idaho Public Records Act (“IPRA”), there is a presumption that all public records in this state are open for inspection except as otherwise provided by statute. I.C. § 74-

102(1). “The IPRA provides a statutory mechanism by which members of the public may review public records so that they may be knowledgeable of the operations of their government, the performance of public officials, and the formulation of public policy.” *Wade v. Taylor*, 156 Idaho 91, 91, 320 P.3d 1250, 1256 (2014). A “public record” is defined as “any writing containing information related to the conduct or administration of the public’s business prepared, owned, used or retained by any state agency, independent public body corporate and politic or local agency regardless of physical form or characteristics.” I.C. § 74-101(13). Every person has a right to examine and take a copy of such public records. I.C. § 74-102(1). But “the motivation of the person requesting the public record is irrelevant. The public’s right, and consequently, any individual person’s right, to inspect a public record is conditioned solely on whether the document is a public record that is not expressly exempted by statute.” *Wade*, 156 Idaho at 101, 320 P.3d at 1260 (internal quotation marks and citation omitted).

Specific to this case, law enforcement investigatory records are public records. “‘Investigatory record’ means information with respect to an identifiable person, group of persons or entities compiled by a public agency pursuant to its statutory authority in the course of investigating a specific act, omission, failure to act, or other conduct over which the public agency has regulatory authority or law enforcement authority.” I.C. § 74-101(6). Generally, investigatory records as defined by I.C. § 74-101(6) are subject to disclosure under the Idaho Public Records Act. When a request to examine is made, the public agency or custodian has a specific time in which to review the record and grant or deny the request. I.C. § 73-103. There are certain exceptions to disclosure as enumerated in I.C. § 74-124(1)(a) – (g) that justify a public agency denying a request. One exception is where production of records would constitute an unwarranted invasion of personal privacy. I.C. § 74-124(1)(c). An “unwarranted invasion of personal privacy” means:

- (i) Disclosure of information used to identify, locate, or harass a juvenile, a victim of an alleged crime of mass violence or domestic violence, or a victim of physical or sexual abuse; or
- (ii) Disclosure where release of information is likely to violate legitimate and substantial privacy interests of the person identified when such interests are weighed against general public information.

I.C. § 74-101(17)(a).

The parties agree that the records to be disclosed in this matter are public records and more specifically, law enforcement investigatory records. The inquiry for the Court is whether the specific records are exempt from disclosure under I.C. § 74-124(1)(c) such that the City should be restrained from releasing them to the public or any specific requestor. Plaintiffs argue disclosure of the public records, specifically photographs, audio, and video created by law enforcement at the crime scene or decedents' residence, would constitute an "unwarranted invasion of personal privacy," and therefore, the City's disclosure would violate I.C. § 74-124(1)(c). On the contrary, the City argues the records are not exempt from disclosure because Plaintiffs do not have standing or authority to assert a privacy interest either on behalf of themselves or on behalf of the decedents, and if Plaintiffs can establish a privacy interest, that interest is not outweighed by the public's interest in disclosure.

1. Plaintiffs have standing to assert a privacy interest in the records to be disclosed.

First, the Court must determine what privacy interest, if any, Plaintiffs have in the law enforcement records they seek to keep from public disclosure. To determine this, the Court must look to the language of the statute and the cases which interpret what constitutes an "unwarranted invasion" of personal privacy.

To begin, IPRA defines "an unwarranted invasion of personal privacy" as either: i) "disclosure of information used to identify, locate, or harass . . . a victim of an alleged crime of mass violence" or ii) "disclosure where release of information is likely to violate legitimate and substantial privacy

interests of the person identified when such interests are weighed against general public information.”
I.C. § 74-101(17)(a).

Plaintiffs argue the plain language of the statute confers standing for them to bring this action because the information being disclosed depicts the victim’s bodies which identifies the victims and may be used to harass the family members who are considered victims as set forth in I.C. § 19-5306. This victim’s rights statute specifically defines victim as “an individual who suffers direct or threatened physical, financial or emotional harm as the result of the commission of a crime . . .” I.C. § 19-5306(5)(a). Further, Plaintiffs argue the language, “privacy interest of the person identified” is the person who identifies as having their privacy interest violated. Contrarily, the City argues that because the privacy interest of family members is not specifically mentioned in the statute, the legislature did not intend for such to exist under I.C. § 74-124(1)(c). Moreover, the legislature specifically defined the privacy interests of “any deceased person” in I.C. § 74-101(17)(b) when disclosure of certain information is permitted after notification to next-of-kin but opted not to include the same definition in (17)(a). The City acknowledges in drafting this provision that the legislature recognized privacy interests do not evaporate on death, yet argues because it did not include the same language in (17)(a) such provision does not grant Plaintiffs standing to assert a privacy interest on behalf of the decedents (unless a probate is opened and they are serving in a personal representative capacity).

Interestingly, in arguing that Plaintiffs have no privacy interest to establish standing, the City “believes that it struck the appropriate balance” in “balancing the [Plaintiffs’] privacy and the interest in ‘an informed citizenry.’” The City’s actions in blurring certain portions of the investigatory records prior to disclosure and balancing Plaintiffs’ and the public’s interest cut against its standing argument. Well knowing that the presumption under IPRA is full disclosure, when asked why it took affirmative

action to blur or redact the initial disclosures prior to any court intervention, the City responded that it did so in reliance upon the exemption under I.C. § 74-124(1)(c). Thus, agreeing that if Plaintiffs had no privacy interest to assert on their own behalf or on behalf of the decedents, it would have been unnecessary to blur or redact the records. Instead, under its statutory obligation, “it was required by law to disclose investigatory records on request” with such redactions.

While Plaintiffs are considered “victims” and afforded certain rights as set forth in I.C. § 19-5306(5)(a), the Court finds I.C. § 74-101(17)(a)(i) does not have application in this particular case. The information to be disclosed is not being used to identify, locate, or harass a victim of an alleged crime of mass violence. There is no alleged (suspected or unproven) crime. The victims are known, located, and the murderer has been convicted and sentenced to life imprisonment. Likewise, disclosure is not being used to harass the victim, even if the term victim encompasses family members. However, I.C. § 74-101(17)(a)(ii) does apply here and provides standing for Plaintiffs to assert their claim.

The Idaho Supreme Court has yet to address the issue of whose privacy interest is protected under I.C. § 74-124(1)(c) or I.C. § 74-101(17)(a), but cases from the U.S. Supreme Court that have interpreted a similar provision under the federal Freedom of Information Act (FOIA) provide guidance. Under FOIA a public agency shall make records available except records or information compiled for law enforcement purposes that “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” 5 U.S.C.A. § 552(b)(7)(C). However, unlike IPRA, there is no definition of “unwarranted invasion of personal privacy” within FOIA’s statutory scheme, instead, leaving the issue of whose privacy interest may be asserted or protected to federal courts to interpret.

Of interest, in *Nat'l Archives & Recs. Admin. v. Favish*, the U.S. Supreme Court held that FOIA recognizes surviving family members' right to personal privacy with respect to their close relative's "death-scene images." 541 U.S. 157, 170, 124 S. Ct. 1570, 1579 (2004). In that case, the decedent's family members sought "to be shielded by the exemption to secure their own refuge from a sensation-seeking culture for their own peace of mind and tranquility, not for the sake of the deceased['s]" reputation or an interest personal to the decedent. *Id.* at 166, *Id.* at 1577. Even so, the Court held,

[W]e think it proper to conclude from Congress' use of the term "personal privacy" that it intended to permit family members to assert their own privacy rights against public intrusions long deemed impermissible under the common law and in our cultural traditions. This does not mean that the family is in the same position as the individual who is the subject of the disclosure. We have little difficulty, however, in finding in our case law and traditions the right of family members to direct and control disposition of the body of the deceased and to limit attempts to exploit pictures of the deceased family member's remains for public purposes. . . . Family members have a personal stake in honoring and mourning their dead and objecting to unwarranted public exploitation that, by intruding upon their own grief, tends to degrade the rites and respect they seek to accord to the deceased person who was once their own . . . [T]his well-established cultural tradition acknowledging a family's control over the body and death images of the deceased has long been recognized at common law.

Id. at 167 - 168, *Id.* at 1578.

Further, while not controlling, a District Court in Ada County also concluded that "family members of a deceased person" have a right to avoid "public disclosure of their deceased family member's corpse and other death-scene images" that would impugn the character of the deceased or of the family's memory of the deceased. *See Gaylord v. Clifford, et al.*, Ada County Case CV01-24-17522 (Memorandum Decision and Order, dated March 14, 2025).

Here, Plaintiffs seek relief both for their own privacy and on behalf of the decedents. Whether the "privacy interests of the person identified" is the decedent or the family members of the decedent, Plaintiffs have established a recognized privacy interest in preventing disclosure of images or videos

depicting their deceased family members and the “death scene” that would impugn the character of the decedents or their memory of them. Therefore, Plaintiff’s have standing under I.C. § 74-124(1)(c) to bring this claim.

2. Plaintiffs have proven their privacy interest in preventing disclosure of certain investigatory records, without additional redactions, outweighs the public’s interest in disclosure.

Having established Plaintiffs have standing to bring this claim, the next inquiry is whether their interest outweighs the public’s interest in disclosure. As stated in *Favish*,

Our ruling that the personal privacy protected by Exemption 7(C) extends to family members who object to the disclosure of graphic details surrounding their relative's death does not end the case. Although this privacy interest is within the terms of the exemption, the statute directs nondisclosure *only* where the information “could reasonably be expected to constitute an unwarranted invasion” of the family's personal privacy. The term “unwarranted” requires us to balance the family's privacy interest against the public interest in disclosure.

541 U.S. 157 at 171, 124 S.Ct. at 1580. Therefore, the “weighty privacy interests” family members have in “death-scene images” of close relatives must be weighed against the public interest in disclosure to determine if disclosure would result in an “unwarranted” invasion of privacy. *Id.*

There can be no doubt that the photographs, video, audio, and other investigatory records in this case are incredibly disturbing. The records are difficult to digest and provide a raw view into the horrific tragedy that occurred on November 13, 2022, that impacted Plaintiffs, a college community, and the world at large. Prior to releasing these records, the City took measures to blur the decedents’ bodies to prevent an unwarranted invasion of personal privacy while balancing the public’s interest, to comply with its statutory obligation. Plaintiffs have a recognized privacy interest, but on balance, the public has an interest in the investigatory records concerning this horrific tragedy and how the investigation was conducted. Regarding each set of investigatory records identified by Plaintiffs in

their complaint, their interests must be weighed against the public's to determine whether release would constitute an unwarranted invasion of personal privacy not just a warranted one.

Plaintiffs' privacy interest in preventing disclosure of the death-scene images that would impugn the character of the deceased or Plaintiffs' memory of them or continue to retraumatize them causing extreme emotional distress outweighs the public's interest in how the investigation was conducted or the scrutiny upon government action. Even the City's action in performing certain redactions supports this conclusion. There is little to be gained by the public in seeing the decedents' bodies, the blood soaked sheets, blood spatter or other death-scene depictions, whereas the dissemination of these images across the internet and in public spheres where Plaintiffs may come upon them by happenstance, as has already occurred, causing them extreme emotional distress is an unwarranted invasion of personal privacy.

The City has blurred certain portions of the investigatory records, but additional redactions are necessary to ensure there is no unwarranted invasion. The blurring is simply insufficient as it still allows the viewer to see the outline and contours of the decedents' bodies and invites, rather than dispels, any speculation about how, where, or why they were positioned. The fact remains; the murder investigation and the criminal case are closed. Releasing these records will have minor effect upon those who continue to be perplexed by the facts or fixated on unfounded conspiracies whereas it has and will continue to have profound effect upon the decedents' loved ones. The City may disclose the investigatory records in this matter, but must blackout any areas within the images, photographs, video, or other media that depict any portion of the decedents or their bodies and the blood immediately surrounding them.

Contrarily, the Court cannot find Plaintiffs' privacy interest outweighs the public's interest concerning the dissemination of audio, video, or photographs depicting: 1) the interior of the

bedrooms, except as provided above, 2) the exterior or interior, including rooms other than the bedrooms, of the residence, 3) the personal property and items of the decedents found inside the interior and exterior of the residence, including but not limited to containers of alcohol, underwear, ID cards and other personal items, 4) witnesses, including audio of crying, or 5) statements of witnesses given to law enforcement officials, including statements evidencing their extreme emotions. Despite the horrendous nature of this tragic event and its distressing dissemination across the world, the fact remains that it was a quadruple homicide with investigatory records. These records, much like many law enforcement investigatory records, invade the privacy province of individuals including suspects, witnesses, victims, and the like, and here, Plaintiffs and others, unnamed in this lawsuit. However, these records are precisely what the law affords the public to obtain under IPRA. Under the law and facts presented, the Court cannot find that Plaintiffs' privacy interest outweighs the public's interest regarding these items such that their release would constitute an unwarranted invasion of personal privacy. Further, releasing images that include alcohol containers, underwear, ID cards, or other personal items of the decedents may appear embarrassing or reveal speculation as to what may or may not have occurred within the residence, but it does not impugn the character of the decedents in a way that constitutes an unwarranted invasion of personal privacy. Therefore, the City shall, upon request and in accordance with its statutory obligation, disclose the investigatory records except as to the death-scene records noted above or those subject to any other statutory exemption or redaction rule.

- B. Release of certain images, video and audio have caused Plaintiffs to suffer irreparable injury and there is a reasonable expectation that continued release will cause further irreparable injury such that a permanent injunction is warranted.

As a final remedy, Plaintiffs' complaint seeks to permanently restrain the City from releasing the investigatory records described above pursuant to I.R.C.P. 65. To do so, Plaintiffs must show

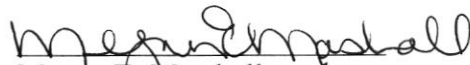
threatened or actual irreparable harm and that there is a reasonable expectation that the wrong will be repeated. From the pleadings, the City does not dispute Plaintiffs' claim that they have suffered irreparable injury due to the initial disclosures, even in their redacted form. Instead, the City contends "it has made the only decision available to it under Idaho law" by blurring the bodies and requests the court find the initial redacted versions of the investigatory records be publicly disclosed.

Irreparable injury is any injury that is impossible to remedy or repair. Plaintiffs have set forth undisputed evidence that they have suffered and will continue to suffer irreparable injury including extreme emotional distress because of the City's release of certain records. More specifically, the injury sustained has physically manifested itself through sleep disturbance, shaking, and sobbing. While it is likely Plaintiffs have suffered these same or similar injuries prior to the City's disclosure due to the trauma they've endured from underlying circumstances over the last several years, the City has not disputed that its initial disclosure of video, audio, and photographs in their redacted form caused Plaintiffs the irreparable injury claimed. As such, Plaintiffs are entitled to relief.

IV. CONCLUSION

For the reasons set forth above, the City's disclosure of certain investigatory records would constitute an unwarranted invasion of personal privacy. Plaintiffs have established the disclosure of such records has caused irreparable injury and further disclosure will result in the wrong being repeated. Therefore, Plaintiffs' complaint for a permanent injunction is granted in part.

Dated: 10/1/2025


Megan E. Marshall
District Judge

CERTIFICATE OF SERVICE

I certify that copies of the Memorandum Decision Granting Plaintiffs' Complaint for Permanent Injunction were delivered to the following:

Leander James
Attorney for Plaintiff
ljames@jvwlaw.net

Mia Bautista
Moscow City Attorney
moscowlegal@ci.moscow.id.us

Bentley Stromberg
Attorney for Defendant
bstromberg@clbrmc.com

on this 1 day of October 2025.

JULIE FRY
CLERK OF THE COURT

By: 
Deputy Clerk