

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the  
Application for a Search  
Warrant for

Bank of America  
Attn: Legal Order Processing  
800 Samoset Drive  
Newark, DE 19713

MPD Case No. 22-M09903

Case No. CR29-22-2805

ORDER TO SEAL AND REDACT

This matter came before the court on February 10, 2023 on the court's motion to seal or redact pursuant to I.C.A.R. 32(i). The hearing was held via Zoom. William W. Thompson, Jr. and Ashley Jennings appeared on behalf of the State. Anne Taylor appeared on behalf of Mr. Kohberger.

The court reviewed the records, considered the arguments presented, weighed the interests in privacy and public disclosure, and announced its findings of fact on the record. Therefore, pursuant to I.C.A.R. 32(i)(2)(A) and (D), the court finds it necessary to seal in part and redact the record related to the search warrant for the following reasons:

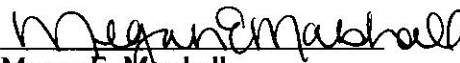
- (1) The documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person; and
- (2) The documents contain facts or statements that might threaten the safety of or endanger the life or safety of individuals.

After due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the record herein shall be disclosed except for the following:

1. The *Affidavit in Support of Search Warrant* is SEALED.
2. The *Search Warrant and Receipt and Inventory* be REDACTED.
3. This order will remain in effect until further order of the court.

Dated: 2/27/2023

  
Megan E. Marshall  
Magistrate Judge

CASE NO. \_\_\_\_\_  
BY \_\_\_\_\_ DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the  
Application for a Search  
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Bank of America  
Attn: Legal Order Processing  
800 Samoset Drive  
Newark, DE 19713

MPD Case No. 22-M09903

Case No.

ORDER SEALING SEARCH  
WARRANT AND RELATED  
DOCUMENTS

Based upon the Motion to Seal Search Warrant and Related Documents filed herein, the Court does hereby confirm and ORDER that the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order are confidential, exempt from disclosure and are SEALED pursuant to Idaho Court Administrative Rule 32(g)(1) for the reasons stated in the said Motion and until March 8, 2023, or further order of the Court, whichever occurs first.

SO ORDERED 12/9/22 @ 11:03 am

Megann Marshall

LATAH COUNTY PROSECUTOR'S OFFICE  
ASHLEY S. JENNINGS  
SR. DEPUTY PROSECUTING ATTORNEY  
Latah County Courthouse  
P.O. Box 8068  
Moscow, ID 83843  
Phone: (208) 883-2246  
ISB No. 8491  
paservice@latah.id.us

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the  
Application for a Search  
Warrant for

Case No.

Bank of America  
Attn: Legal Order Processing  
800 Samoset Drive  
Newark, DE 19713

MOTION TO SEAL SEARCH  
WARRANT AND RELATED  
DOCUMENTS

MPD Case No. 22-M09903

The State of Idaho, by and through the Latah County Prosecuting Attorney, respectfully moves the Court pursuant to Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124 for an Order Sealing Search Warrant and Related Documents, including the Affidavit for Search Warrant (including any exhibits), Search Warrant, Return of Search Warrant (including the inventory of items seized) and Order filed herein because release or disclosure would:


1. Interfere with enforcement proceedings;

2. Constitute an unwarranted invasion of personal privacy,
3. Disclose the identity of a confidential source; and
4. Disclose investigative techniques and procedures.

And the State seeks this protection for a minimum of ninety (90) days or until such time as the investigation is concluded and/or charges are filed.

Wherefore, the State respectfully prays that the Court seal from public disclosure the Affidavit for Search Warrant, Search Warrant, Return of Search Warrant and Order herein under the provisions of Idaho Court Administrative Rule 32(g)(1) and Idaho Code 74-124.

RESPECTFULLY SUBMITTED this 17<sup>th</sup> day of December, 2022.

  
\_\_\_\_\_  
ASHLEY S. JENNINGS  
Sr. Deputy Prosecuting Attorney





IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IN THE MATTER OF  
THE APPLICATION  
FOR A SEARCH WARRANT FOR

Bank of America  
800 Samoset Drive  
Newark, DE 19713

Case No. \_\_\_\_\_

RECEIPT AND  
INVENTORY OF WARRANT

On the 21st day of November, 2022, at approximately 12:00 o'clock A.M.,  
the following peace officers: Detective Lawrence Mowery

served the Search Warrant heretofore issued upon the place and/or person(s) described therein as  
directed in said Search Warrant. Entrance was obtained by: Fedex and

The person(s) found in said place were: \_\_\_\_\_

The property found and taken and the location within or upon said place and/or person(s) are  
as follows:

DESCRIPTION OF PROPERTY

LOCATION/PERSON

Financial Records for Ethan Chapin

\_\_\_\_\_

Financial Records for Maddie Mogen

\_\_\_\_\_

Financial Records for Xana Kernodle

\_\_\_\_\_

Financial Records for Kaylee Goncalves

\_\_\_\_\_

RECEIPT AND INVENTORY

PAGE 1 OF 3 PAGES

**DESCRIPTION OF PROPERTY**

**LOCATION/PERSON**

Financial Records for

\_\_\_\_\_

Financial Records for

\_\_\_\_\_

Financial Records for

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This Receipt and Inventory was made in the presence of: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

A copy hereof was given to the following named person(s) on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_;

\_\_\_\_\_  
\_\_\_\_\_

A copy hereof was left on this date in a conspicuous place in the place searched, there being no person(s) present during said search: \_\_\_\_\_

DATED this 8th day of December, 2022.

\_\_\_\_\_  
WITNESS

  
\_\_\_\_\_  
PEACE OFFICER

The undersigned person(s) hereby acknowledge receiving a copy hereof on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_:

\_\_\_\_\_  
\_\_\_\_\_

CASE NO. \_\_\_\_\_  
BY \_\_\_\_\_ DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE  
ASHLEY S. JENNINGS  
SR. DEPUTY PROSECUTING ATTORNEY  
Latah County Courthouse  
P.O. Box 8068  
Moscow, Idaho 83843-0568  
(208) 883-2246  
ISB No.8491  
paservice@latah.id.us

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application	)	Case No.
for a Search Warrant for:	)	
	)	
Bank of America	)	
Attn: Legal Order Processing	)	ORDER
800 Samoset Drive	)	
Newark, DE 19713	)	
	)	
<u>MPD Case No. 22-M09903</u>	)	

In the above-titled matter, this Court having heretofore issued a Search Warrant, and the said Search Warrant having been served according to law, and the Return of Warrant having been duly made as directed in said Search Warrant to this Court, and a written inventory of the property found and seized having been duly made and taken before the undersigned Magistrate or Judge and filed herein;

NOW, THEREFORE IT IS HEREBY ORDERED that the said Peace Officer shall deliver or cause to be delivered, the property described in said inventory to the Moscow Police Department or such other law enforcement agency as may be appropriate for the purpose of preserving said property for use as evidence or until further order of a court of competent jurisdiction. Once any related criminal case has been concluded, including the expiration of time for appeal, or at such other

appropriate time, the property can be released or disposed of upon authorization of the jurisdictional prosecuting attorney.

IT IS FURTHER ORDERED that said property or any part thereof, may be delivered to any person or laboratory or laboratories for the purpose of conducting or obtaining any tests, analysis, or identification of said property which is deemed necessary by the custodial law enforcement agency or jurisdictional prosecuting attorney without further order of this Court.

DATED 12/9/22 @ 11:04 am.

Megan E. Marshall  
Megan E. Marshall  
Magistrate Judge

CASE NO. \_\_\_\_\_  
BY \_\_\_\_\_ DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the Application  
for a Search Warrant for:

Bank of America  
Attn: Legal Order Processing  
800 Samoset Drive  
Newark, DE 19713

MPD Case No. 22-M09903

Case No.

WARRANT

SEARCH

TO: ANY PEACE OFFICER AUTHORIZED TO ENFORCE OR ASSIST IN ENFORCING  
ANY LAW OF THE STATE OF IDAHO.

Lawrence Mowery, having given me proof, upon oath, this day showing probable cause establishing grounds for issuing a search warrant and probable cause to believe that the property referred to and sought in or upon said premises there is probable cause to believe that the property referred to and sought in or upon said premises consists of information related to the crime(s) of homicide to include all records and documents (the terms "records" and "documents" mean any and all tangible forms of expression in your possession, custody, or control, in any language or format, and include, but are not limited to, writings, papers, and tape recordings, electronic video and audio recordings (e.g. video surveillance), microform, electromagnetic recordings, optical

**REDACTED**

recordings, electronic files or records, photographs, drafts, finished versions, originals, and copies, however created, produced, or stored. Video surveillance/images pertaining to account transactions (to include account opening, deposit, withdrawals, etc.) are included with this request. Supporting information can be provided to help identify surveillance video/images for some of the transactions) from September 1, 2022 to present in the name or control of:

- Ethan Chapin,
- Madison May Mogen,
- Xana Alexia Kernodle,
- Kaylee Jade GonCalves,
- 
- 
- 

to include the following:

- All Open and Closed accounts: all records pertaining to the individuals(s) or business entities identified in this letter whether held jointly or severally or as trustee or fiduciary as well as custodian, executor or guardian, as well as any other entity in which these individual(s) or entities may have a financial interest; includes all accounts in which these individuals had signatory authority and/or the right of withdrawal; these records should include:
  - Signature cards;
  - Statement Data/Monthly Account Statements;
  - Identification of and name assigned on all Debit Cards on account;
  - Deposits and supporting documentation including but not limited to evidence of cash, cancelled deposited checks front and back, transfers from other accounts including full account number and name, and other credit information.
  - Checks and other withdrawals including but not limited to cancelled checks front and back, withdrawals and offsets, evidence of cash withdrawals, transfers from other accounts including account number and name, other debit information;
  - Wire transfers in and out including wire transfer instructions and evidence of requestor if possible;
  - Evidence of cash transactions and identifying information of individuals conducting cash transactions;
  - Identification of sender or recipient bank, full account number, and account name on ACH transfers, online transfers, teller transfers, or other transfers;
- Electronic/Internet records: for those customers who engage in online banking with your financial institution, the following information pertaining to that online banking account:

usernames or other identifying information for the account; e-mail addresses associated with the account to include any and all of the above information for any secondary or additional e-mail addresses and or user names identified by you as belonging to the targeted account in this letter; historical access logs for authentication to the account including Internet Protocol (IP) addresses for this account and date, time and duration of each session;

- Certificate of Deposit and Money Market Certificates: including applications, actual instrument(s), records of purchases and redemptions, checks issued on redemption, checks used to purchase certificates, any correspondence and any Forms 1099 issued, records revealing the annual interest paid or accumulated, the dates of payment or date interest is earned, and checks issued for interest payments;
- Credit Card records (e.g. MasterCard and Visa): including customer's application, signature card, credit or background investigations conducted, correspondence, monthly billing statements, individual charge invoices, repayment records, disclosing the date, amounts and method of repayment, checks used to make repayments (front and back);
- Purchase of Bank Checks: purchases of bank checks, cashiers, teller, traveler's check records, or money order records, including the check register, file copies of the check or money orders, records revealing the date and source of payment for said checks or money orders;
- Correspondence: all records of correspondence/communication between the customer and the financial institution relating to the above services or for any other purpose, including customer service inquiries or requests for assistance;
- Safe Deposit Boxes: any and all information pertaining to safe deposit boxes held by customer including safe deposit application, authorized signers, and access logs;
- Other records: all applications, forms, and other written documents completed by the customer; records of certified checks, wire transfers, or collections, letter credit, bonds and securities purchased through your financial institution, savings bond transaction and investment accounts. Such records that disclose the date and amount of the transaction, method (cash or check) and source of payment, instruments and statements of transactions; all correspondence with the above individual(s)/entities and/or with third parties regarding the above individual(s)/entities; all memoranda, notes, files, or records relating to meetings or conversations concerning the above individual(s)/entities;

located at the following premises:

Bank of America  
Attn: Legal Order Processing  
800 Samoset Drive  
Newark, DE 19713

YOU ARE THEREFORE COMMANDED TO SEARCH the above-described premises for the property described above, TO SEIZE it if found and bring it promptly before the Court above-named. THIS WARRANT SHALL BE EXECUTED WITHIN 7 DAYS OF ISSUANCE, AND IS

AUTHORIZED FOR DAYTIME SERVICE ONLY (pursuant to Idaho Criminal Rule 41, "daytime" means the hours between 6:00 a.m. and 10:00 p.m. local time).

GIVEN UNDER MY HAND and DATED this 19th day of November, 2022, at 6:35 p.m.

Megan Marshall  
Magistrate Judge

CASE NO. \_\_\_\_\_  
BY \_\_\_\_\_ DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the  
Application for a Search  
Warrant for

Case No.

ORDER FOR EXTENSION TO  
RETURN SEARCH WARRANT

Bank of America  
Attn: Legal Order Processing  
800 Samoset Drive  
Newark, DE 19713

MPD Case No. 22-M09903

The above matter having come before the Court based upon the motion of the State,  
and good cause appearing:

IT IS HEREBY ORDERED that the time for which the above referenced search warrant  
shall be returned is extended to March 2, 2023.

SO ORDERED this 12/2/22 @ 3:41 PM

Meghan Marshall  
MAGISTRATE JUDGE



CERTIFICATE OF DELIVERY


I do hereby certify that true and correct copies of the ORDER FOR EXTENSION TO RETURN SEARCH WARRANT were served on the following in the manner indicated below:

William W. Thompson, Jr.  
Latah County Prosecuting Attorney  
Latah County Courthouse  
Moscow, ID 83843

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

Dated 12/5/22

TONYA DODGE  
Latah County Clerk of the Court

By:   
Deputy Clerk

DEC 2 2022 PM 2:57  
CLERK OF DIST CT. LATAH

LATAH COUNTY PROSECUTOR'S OFFICE  
ASHLEY S. JENNINGS  
SR. DEPUTY PROSECUTING ATTORNEY  
Latah County Courthouse  
P.O. Box 8068  
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IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

In the Matter of the  
Application for a Search  
Warrant for

Case No.

MOTION FOR EXTENSION TO  
RETURN SEARCH WARRANT


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Attn: Legal Order Processing  
800 Samoset Drive  
Newark, DE 19713

MPD Case No. 22-M09903

The State of Idaho by and through Ashley S. Jennings, Latah County Sr. Deputy Prosecuting Attorney, moves this Court for an order extending the time for returning the above referenced search warrant which was issued on the 19<sup>th</sup> day of November, 2022. The search warrant was directed by the Court to be served within fourteen (14) days of issuance during business hours. The warrant was served by Michael Douglas on the 21st day of November, 2022, by Fedex. However, as of this date, the information has not been received.

Although the warrant was executed within the fourteen (14) day timeframe directed by I.C. 19-4412, the State is not able to comply with the timeframe within which to return the warrant and provide a written inventory. Accordingly, the State requests an extension of time for the return of the search warrant.

RESPECTFULLY SUBMITTED this 3rd day of December, 2022.

  
\_\_\_\_\_  
ASHLEY S. JENNINGS  
Sr. Deputy Prosecuting Attorney