

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

STATE OF IDAHO,

Plaintiff,

v.

BRYAN C. KOHBERGER,

Defendant.

Case No. CR29-22-2805

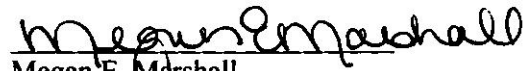
ORDER TO REDACT
AND UNSEAL

On January 27, 2023, this matter came before the court for a status hearing. The hearing was held via Zoom. Ashley Jennings appeared on behalf of the State of Idaho. Mr. Kohberger appeared in custody with his attorney, Anne Taylor.

Having weighed the interests in privacy and public disclosure, the court finds it prudent to unseal the records related to the status hearing on January 27, 2023 with redactions, including certain individuals' names, because the disclosure of this information might threaten or endanger the life or safety of said individuals. I.C.A.R. 32(i)(2)(D). Therefore, after due consideration and with good cause appearing,

IT IS HEREBY ORDERED that the records related to the status hearing on January 27, 2023 be redacted and unsealed.

Dated: 3/1/2023


Megan E. Marshall
Magistrate Judge

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

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|-------------------|--|-----------------------------|
| Title of Action | State of Idaho vs. Bryan C. Kohberger | Judge: Megan E. Marshall |
| Type of Hearing | Minute Entry | Clerk: Jennifer Oliphant |
| Attorney for Plf. | Ashley Jennings | Recording: Z: 01/2023-01-27 |
| Attorney for Def. | Anne Taylor | Case No. CR29-22-2805 |
| Others Present | Bryan Kohberger | Date: January 27, 2023 |
| | | Time: 12:47 PM |

BE IT KNOWN THAT THE FOLLOWING PROCEEDINGS WERE HAD, TO WIT:

Court noted the presence of counsel and the defendant and stated that the defendant is still in custody. Court noted that all parties were appearing via Zoom.

Court stated that this is the time set for the Status Conference. Court stated that this is a sealed recording of the proceeding, and the minutes will be sealed in the Court file. Court stated that the purpose of this hearing is to ensure the defendant is fully advised of his right to counsel and any potential conflict Ms. Taylor may have. Court further stated that the Court recently met with Ms. Jennings and Ms. Taylor, and it was determined that it would be prudent to have this hearing.

Court stated that Ms. Taylor is the appointed public defender for Kootenai County, and that Ms. Taylor's name is on nearly all letterhead for the Kootenai County Public Defender's Office, whether she is the acting attorney or not.

Court explained to the defendant that a conflict of interest can arise if counsel currently or previously represents an individual, or if there is some other conflict such that they would need to withdraw. Court stated that this Court generally leaves the issue of conflict and the decision if it is necessary to withdraw to each attorney on a case by case basis, and to allow counsel time to discuss this decision with the individual they are representing. Court stated that based upon discussion with counsel this morning it is the Court's understanding that the defendant is in agreement with Ms. Taylor continuing to represent him, and further stated that it is the Court's understanding that Ms. Taylor does not believe there is a conflict. The defendant stated that this is correct.

12:51 PM Ms. Taylor stated that her name appears on every document in the public defender's office, but below her name is the individual who actually represents the named individual in the case. Ms. Taylor stated the specific issue with the media has brought attention to

are two cases involving Xana Kernodle's mother, Ms. Kernodle; Ms. Taylor stated that there was an open felony case that she was not assigned to and the case has since been conflicted out.

Ms. Taylor further stated that there was a 2017 Misdemeanor case, which was sentenced, and her office was waiting to withdraw from. Ms. Taylor stated that the public defender who represented Ms. Kernodle in that matter was _____, who left the PD's office in September or October. Ms. Taylor stated that her practice is to transfer all cases that are pending withdrawal or have a bench warrant issued to her. Ms. Taylor stated that the 2017 case was assigned to her on October 20, and from October 20 until the date she withdrew Ms. Taylor stated that she had no contact or relationship with Ms. Kernodle, and has not met her or provided any legal advise. Ms. Taylor stated that most of what the media is reporting on regarding the Kootenai County cases is untrue.

Ms. Taylor stated that she has spoken with Bill Thompson and Ashley Jennings, and explained the above situation to them. Ms. Taylor stated that she has spoken with _____ at the ISB Bar Counsel's Office, who conferred with _____ and _____ and all three do not believe that there is a conflict, so long as the defendant is comfortable with her remaining on as counsel. Ms. Taylor stated that there is no other person that she is connected to in this case, and stated that Mr. Kohberger is the only individual in this case to whom she owes a duty of advocacy and loyalty.

12:54 PM Upon inquiry from the Court, Ms. Jennings stated that this is her understanding as well.

Court questioned the defendant. The defendant stated that given the information he has heard and the conversations he has had with Ms. Taylor he feels comfortable proceeding with her as counsel.

12:55 PM Court advised the defendant of his right to have an attorney, and if he believes there is a conflict the Court can find and appoint different counsel. The defendant stated that he understood. Court questioned the defendant. The defendant stated that it is his wish to proceed with Ms. Taylor as counsel.

12:56 PM Court stated that there is a lot of speculation surrounding this case, and has spoken with the attorneys regarding staying focused on the facts. Court appreciates this issue being brought to the Court's attention, and stated that this information appropriately covers any concerns.

Court recessed at 1:05 PM.