

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

Wal-Mart Stores Inc.
Attn Legal Department
702 SW 8th St
Bentonville, AR 72716

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, the court finds it necessary to seal in part and redact the record related to the search warrant because the documents contain highly intimate facts or statements, the publication of which would be highly objectionable to a reasonable person. I.C.A.R. 32(i)(2)(A). 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* and the *Amended Affidavit in Support of Search Warrant* be SEALED.
2. The *Search Warrant, Amended Search Warrant* and *Receipt and Inventory* be REDACTED.
3. This order will remain in effect until further order of the court.

Dated: 3/7/2023


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
Warrant for

Case No.

Wal-Mart Stores Inc.
Attn Legal Department
702 SW 8th St
Bentonville, AR 72716

ORDER SEALING SEARCH
WARRANT AND RELATED
DOCUMENTS

MPD Case No. 22-M09903

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 14, 2023, or further order of the Court, whichever occurs first.

SO ORDERED 12/15/22 @ 11:58 am

Megumi Marshall
Magistrate Judge

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

Wal-Mart Stores Inc.
Attn Legal Department
702 SW 8th St
Bentonville, AR 72716

MPD Case No. 22-M09903

Case No.

MOTION TO SEAL SEARCH
WARRANT AND RELATED
DOCUMENTS

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 14th day of December, 2022.



ASHLEY S. JENNINGS
Sr. Deputy Prosecuting Attorney

AFFIDAVIT OF LAWRENCE MOWERY

STATE OF IDAHO)
 :ss.
County of Latah)

I, Lawrence Mowery, being duly sworn, do hereby state the following information is true and correct to the best of my knowledge and belief:

- (1) That I am employed by Moscow Police Department in the official position of Forensic Detective;
- (2) Affidavit has been a trained and qualified peace officer for 12 years;
- (3) On 11/21/22, I obtained a search warrant for Walmart;
- (4) The warrant was served on 11/28/22, by email (fax, email, etc);
- (5) On 12/09/2022, I received an e-mail from Walmart which contained the requested information;
- (6) An inventory was prepared for all the items received; and
- (7) The information received was placed into evidence at the Moscow Police Department

FURTHER your Affiant sayeth not.

LAWRENCE MOWERY
Affiant

I certify (or declare) under penalty of perjury pursuant to the law the State of Idaho that the foregoing is true and correct.

12/14/2022
(Date)

Law 162
(Signature)

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

Wal-Mart Stores Inc.
702 SW 8th St
Bentonville, AR 72716

Case No. _____

RECEIPT AND
INVENTORY OF WARRANT

On the 28th day of November, 2022, at approximately 1:16 o'clock P.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: _____

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

Ka-Bar KA1217S, USMC Fighting Knife Sheath

Ka-Bar Full Size USMC Straight Edge Knife

RECEIPT AND INVENTORY

PAGE 1 OF 2 PAGES


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 14 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:)	
)	
Wal-Mart Inc.)	
Attn Legal Department)	ORDER
702 SW 8 th St)	
Bentonville, AR 72716)	
)	
<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 12/15/22 @ 11:58 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:

Wal-Mart Stores Inc.
Attn Legal Department
702 SW 8th St
Bentonville, AR 72716

MPD Case No. 22-M09903

Case No.

SEARCH WARRANT

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 consists of records and/or documents (“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 recordings, electronic files or records, photographs, drafts,
finished versions, originals, and copies, however created, produced, or stored. Video

REDACTED

surveillance/images pertaining to account transactions (to include account opening, deposit, withdrawals, etc.) are included with this subpoena request. Supporting information can be provided to help identify surveillance video/images for some of the transactions) **for the crime(s) of homicide in the possession or control of Wal-Mart related to the sales of the following items for the period of January 1, 2022 to present:**

- 1. Ka-Bar KA1217S, USMC Fighting Knife Sheath;**
- 2. Ka-Bar Full Size USMC Straight Edge Knife;**

The records shall include but are not limited to:

- 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.

- 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).
- 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.
- 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:

Wal-Mart Stores Inc
ATTN Legal Department
702 SW 8th St
Bentonville AR 72716
Ph: 479-277-5619
Email:

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), and UNDER THE FOLLOWING SPECIAL DIRECTIONS:

****THIS SEARCH WARRANT IS ISSUED FOR A LAW ENFORCEMENT PURPOSE, WAL-MART IS ORDERED NOT TO DISCLOSE THE EXISTENCE OR CONTENTS OF THIS SEARCH WARRANT OR THE INFORMATION FURNISHED IN RESPONSE TO THE SEARCH WARRANT FOR A PERIOD OF 90 DAYS OR UNTIL FURTHER ORDER OF THE COURT.**

WAL-MART SHALL DISCLOSE THE DESCRIBED PROPERTY AND INFORMATION WITHIN 14 DAYS OF ISSUANCE.**

GIVEN UNDER MY HAND and DATED this 21st day of November, 2022, at 4:36 p.m.

Megan Marshall
Magistrate Judge

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BY _____ DEPUTY

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Case No.

ORDER FOR EXTENSION TO
RETURN SEARCH WARRANT

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 6, 2023.

SO ORDERED this 12/5/22 at 4:20 PM

Megun Marshall
Magistrate Judge

CERTIFICATE OF DELIVERY

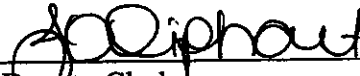
I do hereby certify that true and correct copies of the ORDER FOR EXTENSION TO RETURN SEARCH WARRANT were served on the following in the manner indicated below:

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

LATAH COUNTY PROSECUTOR'S OFFICE
ASHLEY S. JENNINGS
SR. DEPUTY PROSECUTING ATTORNEY
Latah County Courthouse
P.O. Box 8068
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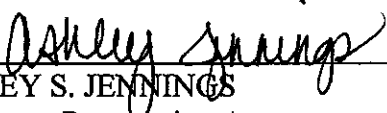
MOTION FOR EXTENSION TO
RETURN SEARCH WARRANT

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 21st 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 Detective Lawrence Mowery on the 28th day of November, 2022, by email. However, as of this date, the information has not been received.

MOTION FOR EXTENSION TO
RETURN SEARCH WARRANT

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 5th day of December, 2022.



ASHLEY S. JENNINGS
Sr. Deputy Prosecuting Attorney