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*Attorneys for Intervenors*

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

**Motion to Intervene**

THE ASSOCIATED PRESS; RADIO  
TELEVISION DIGITAL NEWS  
ASSOCIATION; SINCLAIR MEDIA OF  
BOISE, LLC/KBOI-TV (BOISE); STATES  
NEWSROOM DBA IDAHO CAPITAL SUN;  
TEGNA INC./KREM (SPOKANE), KTVB  
(BOISE) AND KING (SEATTLE);  
EASTIDAHONEWS.COM; THE LEWISTON  
TRIBUNE; WASHINGTON STATE  
ASSOCIATION OF BROADCASTERS;  
IDAHO PRESS CLUB; IDAHO EDUCATION  
NEWS; KXLY-TV/4 NEWS NOW AND  
KAPP/KVEW-TV—MORGAN MURPHY  
MEDIA KXLY-TV/4 NEWS NOW; SCRIPPS  
MEDIA, INC., DBA KIVI-TV, A DELAWARE  
CORPORATION; THE SPOKESMAN-

REVIEW/COWLES COMPANY; THE NEW YORK TIMES COMPANY; LAWNEWZ, INC.; ABC, INC.; WP COMPANY LLC, DBA THE WASHINGTON POST; SOCIETY OF PROFESSIONAL JOURNALISTS; THE MCCLATCHY COMPANY, LLC; and THE SEATTLE TIMES,

Intervenors.

Last week, the Idaho Supreme Court held that a “vague, overbroad, unduly restrictive, or not narrowly drawn” gag order is “an unconstitutional obstacle to [Intervenors] gathering” information about this case. *In re Petition for Writ of Mandamus or Writ of Prohibition*, No. 50482, 2023 WL 3050829, at \*5 (Idaho Apr. 24, 2023). But on procedural grounds, the Idaho Supreme Court decided that this Court should have a chance, in the first instance, to vacate the amended nondissemination order entered January 18, 2023 (the “Gag Order”). That is, the Idaho Supreme Court declined to exercise its original jurisdiction because “both state and federal courts often permit the media to intervene in criminal cases on a limited basis—or at least file a motion as interested parties—in the defense of public access and free speech, including in Idaho.” *Id.* at \*8.

Following the Idaho Supreme Court’s directive, and for the reasons provided in the accompanying memorandum, a coalition of media companies—The Associated Press; Radio Television Digital News Association; Sinclair Media Of Boise, LLC/KBOI-TV (Boise); States Newsroom dba Idaho Capital Sun; Tegna Inc./KREM (Spokane), KTVB (Boise) and KING (Seattle); EastIdahoNews.com; The Lewiston Tribune; Washington State Association of Broadcasters; Idaho Press Club; Idaho Education News; KXLY-TV/4 News Now and KAPP/KVEW-TV—Morgan Murphy Media KXLY-TV/4 News Now; Scripps Media, Inc., dba KIVI-TV, a Delaware Corporation; The Spokesman-Review/Cowles Company; The New York Times Company; LawNewz, Inc.; ABC, Inc.; WP Company LLC, dba The Washington Post;

Society of Professional Journalists; The McClatchy Company, LLC; and The Seattle Times (collectively, “Intervenors”)—move to intervene for the limited purpose of vindicating their First Amendment rights by filing a contemporaneous Motion to Vacate the Amended Nondissemination Order.

DATED: May 1, 2023.

STOEL RIVES LLP

/s/ Wendy J. Olson

Wendy J. Olson

Cory M. Carone

*Attorneys for Intervenors*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 1<sup>st</sup> day of May 2023, I served a true and correct copy of the within and foregoing **MOTION TO INTERVENE** upon the following named parties by the method indicated below, and addressed to the following:

Latah County Prosecutor’s Office  
William W. Thompson, Jr.  
Prosecuting Attorney  
Latah County Courthouse  
P.O. Box 8068  
Moscow, ID 83843

Hand Delivered  
 Mailed Postage Prepaid  
 Via Facsimile  
 U.S. Mail  
 Via email  
 Via iCourt efile & serve at:  
*paservice@latahcounty.id.gov*

Anne Taylor  
Attorney at Law  
P.O. Box 9000  
Coeur d’Alene, ID 83816

Hand Delivered  
 Mailed Postage Prepaid  
 Via Facsimile  
 U.S. Mail  
 Via email at *ataylor@kcgov.us*  
 Via iCourt efile & serve at:  
*pdfax@kcgov.us*

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Hand Delivered  
 Mailed Postage Prepaid  
 Via Facsimile  
 U.S. Mail  
 Via email at *jeff.nye@ag.idaho.gov*  
 Via iCourt efile & serve at:

Shanon Gray  
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Moscow, ID 83843

Hand Delivered  
 Mailed Postage Prepaid  
 Via Facsimile  
 U.S. Mail  
 Via email  
 Via iCourt efile & serve at:  
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/s/ Wendy J. Olson  
Wendy J. Olson