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*Assigned Attorney:*

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Jay W. Logsdon, Chief Deputy Public Defender, Bar Number: 8759

**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 NUMBER CR29-22-0002805**

**DEFENDANT'S 3<sup>rd</sup> SUPPLEMENTAL  
REQUEST FOR DISCOVERY**

PLEASE TAKE NOTICE that the undersigned pursuant to Rule 16 of the Idaho Criminal Rules, the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the Constitution of the United States, and Article I, § 1, 2, 13 and 17 of the Constitution of the State of Idaho requests discovery and inspection of all materials discoverable by defendant per I.C.R. 16(b)(1)-(8) and the aforementioned Constitutional provisions including but not limited to the following information, evidence and materials:

**Standard Lab Discovery**

1. **Biological testing case file**: Please provide a complete copy of the case file, including all records made by each laboratory in connection with biological testing in this case, including biological screening, serological testing, presumptive testing, microscopy and DNA testing (including statistical calculations). Please provide photographic quality

copies of all photographs in the original case file (including photographs of evidence). Electronic copies of photographs are acceptable

2. **Chain of custody and current disposition of evidence:** Please provide copies of all records that document the treatment and handling of biological evidence in this case, from the initial point of collection up to the current disposition. This information should include documentation that indicates where and how the materials were stored (temperature and type of container), the amount of evidence material that was consumed in testing, the amount of material that remains, and where and how the remaining evidence is stored. In the event that the chain of custody spans several different agencies or laboratories, please address this request to each agency and/or laboratory that handled said items.
3. **Profiles uploaded to a DNA database:** In the event that the case involves the upload of a DNA profile to either a Local, State, or National database (LDIS, SDIS, or NDIS), please provide all documentation maintained by the testing laboratory (including documentation maintained by Combined DNA Index System (CODIS) personnel within the laboratory), including profiles that have been identified as unknown males (not the defendant):
  - 3.1 Documentation of all uploads, including: interpretation and/or deconvolutions of mixed profiles, handwritten notes, spreadsheets, match estimator results, upload forms, and CODIS search forms.
  - 3.2 For each hit, please provide Match Detail Reports and long-form Candidate Match Reports for the hit(s) including partial hits and hits that are dispositioned to be nonmatching (even if the laboratory has dispositioned a profile as a hit).
  - 3.3 Any state manuals regarding the use of the SDIS and NDIS database systems.
  - 3.4 Any hits made to any profile uploaded, even if they hit on individuals not the defendant and deemed to not be candidate matches, including hits to any “unknown” males identified via testing.
4. **Data files:** Please provide copies of all computer data files created in the course of performing the DNA testing and analyzing the data in this case (i.e., both raw data and processed data). These data files should include all sample files, project files, matrix files, size standard files, and analysis method files. In the event that a particular data file cannot be produced, please provide name of said file with explanation for nonproduction.
5. **Statistical calculations:** Please provide a copy of all statistical calculations undertaken with regard to DNA testing in this case including standard statistical tests, database match probability calculations and statistical calculations that were undertaken using software programs performing biostatistical calculations, such as Probabilistic Genotyping programs. Please provide information for all analyses undertaken, including those that were not used or were not reported. These materials should include:

- 5.1 List of software programs used, including version number.
  - 5.2 Reference population allele frequencies used for the analysis.
  - 5.3 All handwritten or electronic notes pertaining to the analysis.
  - 5.4 Any electronic data files that were generated for inputting genetic information into a software program.
  - 5.5 All documents and electronic data files generated by the software program.
  - 5.6 All input and operator-selected parameters used for the analysis.
  - 5.7 Any instructions given to the operator of the software program with regard to input and operator-selected parameters to be used for the analysis.
6. **Communications**: Please provide a copy of all communications between laboratory personnel and any other party with regard to biological testing in this case, including letters, memos, emails, texts and records of telephone conversations. These materials should include communications with regard to outsourcing of DNA testing, statistical calculations and DNA profiles uploaded to a database.
7. **Standard Operating Protocols and Interpretation Guidelines**: Please provide a copy of the Standard Operating Protocols (SOP) and Interpretation Guidelines relied upon to perform and interpret the testing in this case (including serological testing) as well as all subsequent versions of these documents. Interpretation guidelines should include those that address: (1) peak detection threshold(s); (2) stochastic threshold(s); (3) interpretation of mixed samples; (4) declaration of inclusions, exclusions, and inconclusive findings; (5) policies for reporting results and statistics and (6) software program(s) used to perform biostatistical calculations, such as Probabilistic Genotyping programs (if used in this case). Please include any applicable memos concerned with deviations from established procedures. For any probabilistic genotyping program used, please provide Standard Operating Procedures including any user manuals from the provider and any memos regarding updates to the software.
8. **Validation Summaries**: Please provide a copy of Validation Summaries for internal validation studies undertaken to establish the Interpretation Guidelines relied upon in this case, including studies that address: peak detection threshold(s); stochastic threshold(s) and interpretation of mixed samples. Please include validation summaries for any probabilistic genotyping program used. In the event that an Enhanced Detection Method was used in this case, please provide a copy of the Validation Summary for said method. In the event that a software program was used to perform biostatistical calculations in this case, please provide a copy of the Validation Summary for said program.

\*Please note: this is a request for the summaries not the complete validation studies.

9. **Laboratory personnel**: Please provide background information for each person involved in conducting or reviewing the DNA testing performed in this case, including:

- 9.1 10.1 Current resume
- 9.2 10.2 Performance evaluation and personnel file
- 9.3 10.3 A summary of proficiency test results

10. **Unexpected results and corrective actions:** For each laboratory that performed DNA testing in this case, please provide copies of the laboratory's logs of unexpected results and corrective actions. The logs should be provided for the time period beginning 6 months before the start of testing and ending 6 months after the completion of testing. Documentation should be provided for unexpected result events that arose due to mechanical, chemical, and/or analyst operations, including: contamination, the presence of extraneous DNA, sample handling errors, or any other reason. The logs should be provided for all laboratory personnel, not just the analyst(s) who performed the testing in this case. Please note: this is a request for the logs themselves, not just for entries within the logs that pertain to this case.

### **Genetic Genealogy Testing and Search**

1. All reports generated by any lab that conducted SNP testing on any sample in this case, including from samples where "unknown" males, not the defendant, were identified.
2. Copies of all communications between laboratory personnel and any other person or organization, with regard to the instant case, including letters, memos, emails, internet posts, press releases, and records of other communications (including communications with regard to any DNA profile uploaded to any public or private DNA database).
3. All documentation associated with any database search, including, but not limited to, CODIS, NDIS, GEDMatch, Family Tree DNA, and/or felon databases, case sample databases, missing persons databases, and internal quality assurance databases. The documentation should include, but is not limited to, the input profile, the input search parameters, the search output, all reports, all correspondence, and any follow-up actions.
4. All documents related to any genetic genealogy search, including, but not limited to, the creation of a user profile(s), account(s) information, automated search results, uploading of data, all queries and search results from any private or public databank(s), family tree information, and all other documents, reports, notes or other communications pertaining to genealogy DNA database searches.
5. All documents related to any genetic genealogy investigation, including but not limited to additional collection and/or testing of DNA samples, notes of any interviews, documents obtained related to ancestry, and/or recommendations for further testing.
6. All documents related to the comparison of any DNA samples collected during the genealogy investigation to crime scene evidence.

7. The name and address of all persons found to have sufficient sharing centimorgams with the “subject” profile to be identified as a match in the report created in this case.

DATED this   3   day of May, 2023.

ANNE C. TAYLOR, PUBLIC DEFENDER  
KOOTENAI COUNTY PUBLIC DEFENDER



BY: \_\_\_\_\_

ANNE C. TAYLOR  
PUBLIC DEFENDER  
ASSIGNED ATTORNEY

### **CERTIFICATE OF DELIVERY**

I hereby certify that a true and correct copy of the foregoing was personally served as indicated below on the   3   day of May, 2023 addressed to:

Latah County Prosecuting Attorney –via iCourt: [paservice@latahcountyid.gov](mailto:paservice@latahcountyid.gov)

Elisa Massoth – via iCourt: [legalassistant@kmrs.net](mailto:legalassistant@kmrs.net)

  
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